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ABSTRACT

A curriculum plan is provided for a pre-ASE (Adult Secondary Education) level class of 12 students. It is designed to be covered in 11 90-minute classes. The plan consists of discussion topics, political cartoons, articles, and the plan for establishing a class government. A breakdown of the social studies test is included to illustrate the importance of understanding government and law for success on the General Educational Development tests. Lessons cover the following topics: introduction, the Constitution, the two-party system, democracy in action--the election process, the executive branch, the legislative branch, the judicial branch, and the amendment process. Each lesson contains an introduction, questions, and important points. Contents of the appendixes include the following: a political terminology checklist; breakdown of practice tests; quotations; newspaper articles and political cartoons; readings on political systems and the Constitution; a highly condensed version of the Constitution; a sample constitution; readings on political parties and reading for information; a short story on town meeting day; readings on officials and the elections, voter registration, and the electoral college; information on reading tables, graphs, and diagrams; a reading on mayors; a short story about a mayor; readings on checks and balances, mistakes of new presidents, and the Bill of Rights. Contains 17 references. (YLB)

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Curriculum Plan for Government & Law

by

Karen DeCoster

A Massachusets mini-grant product

SABES System for Adult Basic Education Support

MASSACHUSETTS DEPARTMENT of EDUCATION

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CURRICULUM PLAN FOR GOVERNMENT AND LAW

(PRE-ASE LEVEL)

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SUMMARY

In teaching any social studies lesson, the objective should be to illustrate to our students the similarities between their own lives and the issues which face society as a whole; for in both, important decisions must be made, problems must be solved, and understanding must be shown to be essential. In the teaching of government and law this objective plays a vital role; and yet, it is the most difficult area of social studies in which to stimulate interest. However, through a participatory role for students and an avant garde approach, it can be done.

Here is a 12 week curriculum plan designed to foster interest in political science. It is meant to be enjoyable for both students and teachers, and it is geared towards a 7th-grade reading level. The focus of the 12 weeks is the formation of a class government based on a constitution written by the students. And as you give the class minimal instruction and maximum freedom, the more certain you can be of a successful outcome. Additionally, since the curriculum outlined here addresses the study of political science, history and economics (all of which comprise approximately 44% of the G.E.D. test), students should do better on one of the most difficult of the 5 sub-tests.

INTRODUCTION

Most students have little interest in government, politics, or history. I should know; I was one of them. I loathed these subjects in high school, and in college I became ill at the thought of two required semesters of American history. But an amazing thing happened. I had a dynamic professor who made it all come alive, especially politics. He revealed the never ending soap opera of the political scene as comedic, gripping, and always entertaining. Ironically, I ended up minoring in political science.

At first I thought that duplicating my professor's methods would be the way to motivate my adult students. Of course, I had no such luck. While these methods kept them attentive; nothing sank in. The worst part of all was that they really wanted to "get it." The problem was simple they told me: "We just don't feel connected."

They could "connect" to math; after all, they shop, budget, etc. Writing, too, was something they could appreciate because of their need to communicate. Even science seemed relevant to them from the natural fascination with their bodies to their interest in houseplants. But social studies appeared to be alien to many students, and I had to find a way to help them "connect." Moreover, I wanted to show them a way to stay "connected" beyond the GED.

The solution, I decided, was to let them experience the actual governing of a society, namely our class, complete

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with its own government, political parties and elections. I planned to have them write their own constitution, amend it here and there, and... "Who knows?" I thought, "Maybe it will stick." It did.

I've tried to duplicate the living-curriculum that took place in my pre-ASE class this year. It's complete with discussion topics, political cartoons, articles that spiced things up, and, of course, the plan for establishing a class government. I've also included a breakdown of the Social Studies Test to illustrate the importance of understanding government and law for success on the G.E.D. For example, in form BB of The Official Practice Test, there are eight questions concerning economics. Without knowledge of politics, legislation, and the highly interwoven role of the mighty dollar in government, the reading is difficult to comprehend. However, after "participating in government," and having meaningful political discussions and debates, any passage on economics should hold new relevance for the students.

This curriculum plan is highly adaptable. It is geared to a high pre-ASE class of 12, but a larger class would be ideal for duplicating the legislative and judicial branch and a two party system. Our class met every day for 90 minutes and upon "ratification" of our class constitution, we covered social studies every Thursday. Therefore, this plan is

designed to be covered in eleven 90 minute classes, and is self-perpetuating there after.

OPENING LESSON

INTRODUCTION: There's a good deal to cover on the first day as you attempt to build a foundation for the entire curriculum. The pace should be lively and full of discussion. A fellow teacher once told me, "It's not what you say but what you ASK that sets the wheels in motion." Therefore, the focus of the first day is to ask many thought provoking questions.

Listed below are examples of the various topics and questions for discussion:

POLITICAL SCIENCE AND THE SOCIAL STUDIES TEST

Questions:

1. Do you expect the social studies test to be easy or difficult? Why?
2. What topics do you anticipate being on the test?
3. Will you feel comfortable understanding selections about government and law? Why or why not?

Important Points:

1. Hand out political terminology check-list (See Appendix 1: Checklist), explaining that it will prove to be a useful measure of their current knowledge. Be sure to address the three choices that students express interest in.
2. To illustrate the importance of this curriculum for G.E.D. success, pass out Breakdown Sheet (See Appendix 2: Breakdown). This is a great chance to integrate math skills. Discuss the required number of correct responses for a score of 45 on the Social Studies Test. Show the number (and percentage) of questions that pertain to government and law and ask students to draw conclusions about its importance to a passing grade.

POLITICS AND GOVERNMENT IN OUR LIVES

Questions:

1. Do you see any similarities between the functions of a family and a government? (Answer: Both need leaders, have problems, etc.)

2. What are some ways that government affects your everyday life?

3. Could a better understanding of government and law improve your life? Community? How?

4. Can one person make a difference?

5. How many of you are (or were) registered voters?

Important Points:

Write Miscellaneous Quotations 1 on the board (See Appendix 3: Quotations) and ask the students for their interpretations. Be sure to lead them towards the conclusion that they do affect the society in which they live for they will be a part of history as well as an influence on the future (i,e., as voters, as parents, as concerned citizens, etc.).

GOVERNMENT: THE NEVER-ENDING "SOAP OPERA"

Questions:

1. Do any of you enjoy soap operas? Why?

2. What are some common themes in all soap operas? (Answer: sex, money, deception, etc.)

3. Are those same themes present on the political scene?

Important Points:

1. At this time you could choose something from a current periodical to support the "soap opera suggestion", or use one of the Newsweek articles or political cartoon 4 provided. (See Appendix 4: Soap Opera and Appendix 5: Cartoons.)

2. Write the names of some of our more colorful politicians on the board. Ask if anyone has ever heard of them. Tell a "little story" about each. Here are some suggestions, or use some of your own favorites.

Ronald or Nancy Reagan	Gary Hart
John or Ted Kennedy	Nixon/Agnew
Barney Franks	Kitty Dukakis
John Tower	Gerry Brown
L.B.J.	David Duke

3. Write government quotations 2 & 4 on the board. (See Appendix 3: Quotations). Discuss whether or not any government could function differently. Are all governments like soap operas--full of controversy and folly? Why? (Answer: Politicians are human.)

Conclude with the "news" that, together, the class will have a chance to experience government first hand. Briefly describe what you'll be doing over the next 11 weeks and ask the class to start thinking about ideas that they can bring to the table.

Lesson Two: THE CONSTITUTION

(2 days required: day 1)

INTRODUCTION: Before drafting your own constitution you'll need to cover two things: the theory of democracy and a brief history of the U.S. Constitution. Most of the first day should be set aside for developing a knowledge base, while the rest of the day can be used to discuss how the class will form its own government. (I'd like to add a word of caution: Keep it light, don't lose them right away.)

THEORY OF DEMOCRACY

Important Point:

1. Briefly describe the common political systems: representative democracy, monarchy, communism, fascism. (See Appendix 6: Political systems for reference, or as a handout in an advanced class.) Put terms on the board and list countries for each. Ask which system is like most schools and classrooms? (Answer: fascist dictatorship.)
2. Using the democracy quotations (See Appendix 3: Quotation), have a critical thinking exercise. Ask for interpretations and views of democracy.
3. Pass out and discuss political cartoon 3 (See Appendix 5: Cartoons).

THE EARLY CONSTITUTION

Questions:

1. Why would a democratic form of government need a constitution? (Answer: It guarantees freedom, unites the states, etc.)

2. Can you imagine the power that each of the authors of the constitution had? Do you think they realized what the constitution would mean today?

Important Point:

1. Hand out reading materials. (See Appendix 7: About the Constitution.) Read and discuss.

2. Ask the students to think of issues that are important to their class, as well as changes they would like to make. Explain that this is the first step towards a democratic class government.

LESSON TWO: THE CONSTITUTION

(Day 2)

Important points:

1. Decide whether or not you'll act as "interim" president or hold an election. (I acted as president with my class's blessing. I wanted to maintain a strong voice in our government, but if you'd like to, you could hold an election for class president.)

2. Give them a taste of what the original U.S. Constitution contained, to serve as a framework for their own. I've included my own "condensed" version of the original articles along with the Preamble. (See Appendix 8: Condensed Constitution). Pass it out to the students. The class should be able to model its own constitution from this.

3. Start with the Preamble on the board. Ask students to alter the original to fit the class. (See Appendix 9: Sample Constitution for an example.

4. Next, hold a "brainstorming" session. List (on the board) every possible idea that students have about the class overall. Tell them to keep everyone's interests in mind. (As in Whole Language, write it as they say it. As you're writing, make some suggestions yourself; after all, it's a democracy. Explain that all of the ideas will have to be ratified.

5. Once this step is complete, ratify each article and section by putting it to a vote. Cross out or erase those provisions that aren't ratified. (Announce that all articles and sections are effective immediately.)

6. Now find a student who might copy the final draft onto a large, permanent sheet of paper. I strongly suggest asking someone who could benefit from an added sense of belonging and responsibility to the class. Chosen carefully, this role can mean a great deal to someone.

Last but not least, as soon as it's written, have all the students sign it. Display it in the room for all to see.

NOTE: Be sure to distribute a copy of the class constitution to each student for future reference. For example, in lesson 8 the constitution will be intentionally misinterpreted by the president (teacher). Each student will then need to refer back to their copy for clarification.

LESSON 3: THE TWO PARTY SYSTEM

INTRODUCTION: Of all the nine lessons, this one, I felt, was the most difficult to teach, for it hits a personal nerve. Remember the adage, you should never discuss religion, sex, or politics? It certainly holds true for any discussion of our two-party system, because most people pledge allegiance to one party or the other. However, these are the types of discussions that are educationally stimulating and thought provoking. In addition, you really can't avoid the topics of socio-economic class, economics, and the responsibilities of citizenship if you plan to discuss the differences between the Democratic and Republican parties. So, assuming that you have a political bias, this will be most challenging if you want to do what is educationally correct and remain objective.

Since my class's constitution called for an emphasis on G.E.D. material, I tried to comply with their constitution demand. Therefore in this lesson, you'll notice that most of the reading is in G.E.D. format (i.e., passage followed by questions).

DISCUSSIONS

Important Points:

1. Hold a pre-discussion of students' perceptions regarding the Democratic and Republican parties.

2. Offer an alternate view if a student grossly misrepresents either party. For example: "Republicans are only for the rich." Alternate view: "Republicans believe that the economy is stimulated through investments made by the wealthy which create jobs and tax revenues that benefit all of us." Or: "Democrats are all bleeding-heart-liberals."

Alternate view: "Democrats have been instrumental in creating many social programs for the needy, such as social security, welfare, etc."

3. Offer the following New American Encyclopedia (1961) definition of the two parties, followed by discussion questions:

> The original doctrines of the Democratic party were: strict interpretation of the constitution as to the power of federal government and state rights, and the highest degree of popular control of all branches of government. [On the other hand] the Republican party inherited a leaning towards centralization of government, business and banking interest, and conservatism.

Questions:

1. What is meant by popular control? (Answer: control by the people) Why would some Americans agree with a high degree of such control? Disagree with it?

2. What is meant by centralization (central government authority) and conservatism (traditional values; opposition to change)? What are the pluses and minuses here? What are the merits of centralization and conservatism? Problems?

3. What are the major differences between a conservative and a liberal thinker? Which party would you expect each to follow? Would they always follow those lines?

Important point:

Read and complete Pre-G.E.D. Exercises (Appendix 10: Parties). Explain that many people believe that a good deal of the division between our two parties is a class issue (i.e., upperclass: Republicans/ middle and lower class: Democrats). Pose the following questions:

Question:

1. How does the upper class stimulate the economy? (Answer: As business owners they create jobs, invest in business, etc.) The middle class? (Answer: They are the bulk of the work force, tax payers, etc.) The lower class? (They are the essential workers and tax payers who are in need of social programs that create new jobs for others.)

2. Approximately how many Americans are considered to be the true upper class? (Answer: less than 2%) Would asking the rich to

pay more in taxes actually make a big economic difference, or would it just make lower and middle classes feel better?

3. Do you think the government spends our money well? Does it spend too much? Does any social class need to pay more in taxes?

FORMING YOUR PARTIES

Important points:

1. Read about political party formation (Appendix 11: Political Parties). Ask students to note the reason for the early formation of political parties (Answer: Conflict over the direction of national policy).

2. Explain that they have committed to the educational policy outlined in their constitution. Now, ask the students about their direction. You'll probably need to offer examples such as: "fast track" vs. "slowly but surely", G.E.D emphasis vs. overall student development, etc. (My class was divided by those who wanted to reach their goals quickly, and those who preferred a less vigorous pace. Therefore, they called themselves the "Cruisers" and the "Coasters".)

Optional:

Since my class had voted for homework assignments, I gave them Pre-G.E.D. exercises (Appendix 12: Reading For Information) to complete at home.

LESSON FOUR: DEMOCRACY IN ACTION THE ELECTION PROCESS

INTRODUCTION:

There is an underlying objective in this lesson: to motivate students towards government involvement. Of course, there is G.E.D.-relevant material throughout the lesson, but the primary goal is to empower the students. Many of our adult students suffer from low self esteem and could benefit greatly from a feeling of self-worth. For despite what most cynics think, I believe that there is power in a political voice and a vote. Regardless of the poor choice of candidates, entrenched incumbents, and overall political corruption, there is still hope. It lies in an end to voter apathy and it begins with education.

Important point:

Begin by reading aloud to the class the short story by Charles Kuralt. (Appendix 13: America) In my opinion, it should be read aloud by an excellent reader for maximum effect. Use this selection as a springboard for discussing government at the local level, followed by these questions:

Questions:

1. What are some local issues currently facing your city or town?

2. Which officials could you call (or write to) with your opinions on local issues? (Answer: Mayor, city council, school board, superintendent, etc.)

3. Do you know the names of all your local officials? (Provide them.)

4. Recalling the story we've just read, do you think that your city government is similar to, or different from that of the town of Stratford?

Read the selections on state government (Appendix 14: Officials) and duplicate questions (1-3) above for state government.

Important points:

1. Have students read the selections on voter registration, ways to influence government, political petitions, and primaries (Appendix 15: Vote).

2. Together read the U.S. NEWS article (Appendix 16: Tomorrow). While the reading level is above a 7th-grade level, with teacher assistance it can prove to be useful in illustrating the complexity of current elections.

3. Since most students are unaware of the electoral college (and because it is G.E.D.-relevant) pass out a summary of the college system (Appendix 17: College, and political cartoon 5: Appendix 5). Discuss.

4. Finally, discuss how the class will hold its own elections (Remember that the following numbers are based on a class size of 12.):

   * Ask for potential candidates for one Senator and three Representatives. (Three will allow for 2/3 majority rule later on.) Don't go into a lesson on the legislative branch; simply point out that for now the Senator will be as powerful as the three Representatives when the class takes a vote on issues.

   * Accept all interested candidates. (Depending on class size and the number of two party candidates, you may want to have a primary for the Senate.) Parties may encourage a party member to run, but he or she can decline. (Ideally, you should have three candidates for Senate, five for Representatives.)

   * Once all candidates have come forward, explain that they'll have two more lessons before the election.

   * Encourage candidates to campaign, develop a platform, and write a speech for early election day.

   * Tell them, too, that they should be working right up to the election to gain the support of their constituency.

Optional:

Assign the G.E.D. practice graphs for interpretation as homework (Appendix 18: Graphs).

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LESSON 5: THE EXECUTIVE BRANCH

INTRODUCTION:

There is limited need for teacher involvement in this lesson, since the majority of your time will be spent showing the video tape -- GOVERNMENT AS IT IS: THE EXECUTIVE BRANCH. (See Appendix 19: Video Outline 1.) While the video is comprehensive and informative, there are important points to be made either before or after showing it.

Important points:

1. Explain that an executive branch is found at the federal, state, and local levels of government (i.e., President, governor, mayor or town manager).

2. Explain that, for all practical purposes, the federal and state executive branches resemble one another in form as follows:

   * prepare budgets
   * have veto powers
   * may order troops (at state level: National Guard)
   * have power to pardon criminals
   * appoint officials

3. Pass out selected readings on the somewhat different functions of a mayor or town manager (Appendix 20: Mayor).

4. Ask the students how the class president might resemble the other executive officers discussed previously.

5. Since the topics of separation of powers and the system of checks and balances come up frequently on the G.E.D., hand out relevant reading material (Appendix 21: Checks and Balances) and refer to political cartoon - 1 (Appendix 5). Tell the students that the separate functions of the three branches, as well as the ways in which they must cooperate, will become increasingly clearer once their class government is fully in place.

Optional:

For additional reading at home, as well as added reinforcement, pass out Reader's Digest Article: "Mistakes New Presidents Make" (Appendix 22). Ask the students to write a summary and include their own opinions on mistakes made by most classroom teachers " governing" their classrooms.

LESSON 6: THE LEGISLATIVE BRANCH

INTRODUCTION:

This lesson should emphasize the functions of the class's legislature, for it is the most active branch of government. There will be relevant materials to use for background and G.E.D. preparation, but they will be kept to a minimum. The class election is intended to be the highlight of this lesson.

Important points:

1. Pass out the selection on the U.S. Legislature (Appendix 23: Legislative Branch). Read and answer the questions together. Explain that while the class will not be declaring any wars or managing funds, they will be carrying out functions similar to those outlined in the Constitution and in the previous reading above. Ask the students to name the primary responsibilities of the Congress (answer: pass laws, serve constituents, confirm Presidential appointments, override vetoes).

2. Look over the video and outline provided on the U.S. Congress (Appendix 24: Video Outline 2). Choose the sections that you would like to show, or tune into CSPAN for a live legislative session. Discuss.

3. Hold class elections as follows:

   A) Candidates give speeches
   B) Question and answer period with constituents and candidates
   C) Pass out ballots for vote (APPENDIX 25: Sample Ballot)
   D) Count ballots during break
   E) Announce results
   F) Allow for acceptance speeches

4. Assign the reading on the state legislature (Appendix 26: State). Review the procedure by which a bill becomes a law.

Questions:

1. How might those same steps (outlined in point 4) take place in the class? Which class officials would be involved and how?

2. At the city level, which governing body is like the legislature?

Optional:

Assign the related G.E.D. exercises for homework or additional class work (Appendix 27: Exercises).

LESSON 7: THE JUDICIAL BRANCH

(3 days required: day 1)

INTRODUCTION:

This lesson should be entertaining as well as informative. The first day is spent entirely on viewing SEPARATE BUT EQUAL, the T.V. docu-drama of the Supreme Court decision to end segregation in public schools. (In fact, the majority of day two will also be devoted to the tape.) The entire movie (on teacher made video tape) is approximately 2 hours and 30 minutes long.

This video is not only the best of the three that you will show, but it is a welcome change for the students. For while the story is based on fact and is highly informative, it is a moving drama worthy of a bowl of popcorn passed among the students.

Students should gain new respect for the power and demands placed in the hands of the Supreme Court. They will also learn more about Constitutional issues such as civil rights and discrimination, and about one of the high court's most influential chief justices, Earl Warren.

I have also included an outstanding Newsweek article about inmates who have represented themselves before the Supreme Court. Lastly, two judges will be appointed and confirmed during the class.

Important points:

1. Preview the video before showing it to the class. You may wish to edit it to shorten the class's viewing schedule.

2. Begin right away with the video: SEPATATE BUT EQUAL. Allow for a brief discussion mid-way through the lesson (i.e., student-raised questions, background information on personalities such as Marshall and Warren).

3. Try to find pictures of Earl Warren and Thurgood Marshall or photos taken during the early years of the civil rights movement. (It was impossible to provide these photos for you since they copied terribly.)

4. Assign reading and G.E.D. exercises for homework to serve as added reinforcement to topics relevant to the movie (Appendix 28: Judicial Review.)

(day 2)

Important points:

1. Complete the video SEPATATE BUT EQUAL.

2. Be sure to point out to the class that Thurgood Marshall went on to become an associate Supreme Court justice.

3. Conduct a final discussion of the role of the Supreme Court in American society. Use the following sample questions as well as those of your own.

Questions:

1. What is meant by separate but equal?

2. Although each justice considered segregation to be morally wrong, why did they face difficulty in reaching a decision? (Answer: The constitutionality of the ruling)

3. Which constitutional issue was at stake here? (Answer: The rights of the states to govern themselves)

4. Why was a unanimous decision so important? (Answer: Because of the volatility of this issue, the justices felt that they must appear united for national compliance)

5. Which events might have contributed to the unanimity of their final decision?

   A) Death of Chief Justice Vincent
   B) Heart attack of Justice Jackson
   C) Warren's southern visit with his black driver?

(day 3)

Important points:

1. Pass out Newsweek article (Appendix 29: These Clients Aren't Fools). Again, because this article is somewhere between an instructional and a frustrating reading level, I advocate reading it to the students while they follow along.

2. Pay particular attention to the highlighted sections while discussing them throughout the reading.

3. Pass out and discuss the Newsweek article on a recent court appointment (Appendix 30: There Goes the Judge).

4. Conduct the class appointments of two judges as follows:

   A) Ask the students: Who should appoint and confirm the class judges?
   B) Ask the class to name the qualities that a good judge should possess.
   C) Ask if there is any student opposed to being nominated.
   D) Make nominations and confirmations.
   E) Explain that from now on, any uncertainty regarding the actions of the President or the Legislature under the class constitution should be brought, in writing, to the court's attention.

LESSON 8: THE AMENDMENT PROCESS

Introduction:

In this lesson, you'll cover the amendment process, and the most important amendments to the U.S. Constitution, the Bill of Rights, and how this same process can affect the class constitution and government. My students were very interested in the Bill of Rights and reacted positively to a "staged" misinterpretation of our class constitution. If you'd like to go over each U.S. Constitutional amendment you certainly may, but I felt that the last lesson should be succinct and enjoyable.

Important points:

1. Read the selection about the amendment process and discuss (Appendix 31: Amendments to the Constitution).
2. Briefly review the first ten amendments as outlined here:

   Amendment 1: All people have the right to worship in their own way. They also have freedom of speech and press.

   Amendment 2: People have the right to own weapons.

   Amendment 3: In times of peace, Americans cannot be forced to shelter soldiers in their homes.

   Amendment 4: Police may not search a person's home without a warrant.

   Amendment 5: In order to charge a person with a crime, the court must follow certain steps called due process of law.

   Amendment 6: People arrested for a crime must be told right away why they have been arrested. They have the right to a lawyer and trial by jury.

   Amendment 7: A person who is suing for a large sum of money in a civil lawsuit may have a trial by jury.

   Amendment 8: The court may not set bails or fines that are too high or cruel and unusual punishments.

   Amendment 9: All rights of the people are protected even if they are not listed in the Constitution.

Amendment 10: Any power that has not been given by the Constitution to the federal government belongs to the states or to the people.

3. Assign the completion of the eight-page handouts on the Bill of Rights (Appendix 32: Bill of Rights). Do the work together as a class and discuss the more controversial amendments with the help of the following questions:

Questions:

1. Where do you draw the line regarding freedom of the press? Speech? Assembly? (i.e., Should the press report important military information? Should I have the right to publish pornography? Should the Ku-Klux-Klan be able to march in a parade?)

2. Regarding the right to bear arms, should I have the right to own sub-machine guns?

3. Regarding the right to confront witnesses against you, should a secret informant be forced to appear in court? How about a child accusing a rapist?

4. Include your own thought provoking questions.

5. Refer to political cartoon - 2. Ask about its relevance to the right of trial by jury?

Important points:

1. Intentionally misinterpret the class constitution. For example, in my class, students had called for no homework on Wednesdays and Fridays; therefore, I assigned homework for Saturday and Sunday. They, of course, claimed that my actions were unconstitutional.

2. Ask them to outline the necessary steps to outlaw such actions. (Answer: 1. Petition the court, in writing, to hear the case against the homework ruling. 2. The court decides whether to hear the case or not. 3. If it chooses to do so, the class will present its case to the court. 4. If the court finds the ruling unconstitutional, the Senate, with a 2/3 majority, may ammend the constitution.)

CONCLUSION

I hope that you and your class have enjoyed completing this curriculum plan. Although it is not a comprehensive study of government and law, I hope that it is enough to insure added success with the G.E.D. Social Studies Test and improve citizenship in general.

In conclusion, I'd like to leave you with an excerpt from Goals For Education In Massachusetts (1987):

3. CITIZENSHIP IN A DEMOCRATIC SOCIETY

Education should provide each learner with knowledge and understanding of how our society functions, and foster individual commitment to exercise the rights and responsibilities of citizenship.

Teaching citizenship is the first duty of the common school. Citizenship in a democratic society requires effective participation in its political, economic and social institutions. Citizens can participate effectively when they understand how these institutions work, accept responsibility for living within and improving them, are familiar with methods of effecting change, and respect the rights of others in the community. Students should be taught and encouraged to practice these attributes of good citizenship in the school community no less than in the larger society.

Citizenship in a political sense is a compact between the people and their government; it means abiding by the law and seeking to change it when the individual believes it no longer serves society. Citizenship also requires social awareness, respect for diversity, and commitment to equality of opportunity in every sector of society. The school fosters these goals by explaining issues, encouraging student involvement, and offering action programs designed to promote community service.

Education must help students develop a shared belief in the essential nature of a democratic society based on the freedom and ability of citizens to consider problems in an informed way, to listen to all sides of an issue, and to make sound individual decisions and commitments. This goal can be realized most effectively if the educational system helps students feel they are an integral part of the school, the community and the larger society.

APPENDIX 1: Political Terminology Checklist

Next to each word or phrase put a (1) if you're very familiar with it, (2) if you're somewhat familiar, (3) if you have no idea. Then, circle (3) words or phrases that you are interested in knowing more about.

legislative bill	Bill of Rights
democracy	override
monarchy	ratify
dictatorship	simple majority
aristocracy	2/3 majority
veto	political party
executive branch	poll
judicial branch	Democrat
legislative branch	Republican
amendment	Senate
economy	House of Representatives
Congress	system of checks & balances
segregation	regulation
administration	monopoly
Cabinet	capitalism
federal vs. state	communism
Constitution	socialism
affirmation	electoral college
prohibit	campaign contribution
Supreme Court	delegate

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APPENDIX 2: BREAKDOWN OF PRACTICE TESTS

AA

Questions	5,6	- Legislation
	7,8	- Political systems
	9,10	- Presidency/Citizenship
	13-16	- Amendments
	23,24	- Executive branch
Total:	12 questions	38% of the test

BB

Questions	1-5,14,20,31	- Economics/banking legislation
	12,13,19	- Political systems
	17	- Amendment
	25,27	- System of checks & balances
Total:	14 questions	46% of the test

APPENDIX 3: QUOTATIONS

Several lively discussions were built around the following quotations. I encourage the use of quotations because it not only fosters critical thinking, but illustrates the value of a mere handful of words.

On Government

1 - The government is us, we are the government, you and I.

T. Roosevelt

2 - All free governments are managed by the combined wisdom and folly of the people.

James Garfield

3 - The best of all governments is that which teaches us to govern ourselves.

Goethe

4 - My experience in government is that when things are noncontroversial and beautifully coordinated, there is not much going on.

John F. Kennedy

On Democracy

1 - In a democracy the individual enjoys not only the ultimate power but carries the ultimate responsibility.

Norman Cousins

2 - Democracy... is a system of self determination. It's your right to make the wrong choice.

John Patrick

3 - Too many people expect wonders from democracy, when the most wonderful thing of all is just having it.

Walter Winchell

4 - Man's capacity for justice makes democracy possible but man's inclination to injustice makes democracy necessary.

Niebuhr

5 - As I would not be a slave, so I would not be a master. This expresses my idea of democracy.

Abe Lincoln

On Political Parties

1 - Any party which takes credit for the rain must not be surprised if its opponents blame it for the drought.

Morrow

Miscellaneous

1 - Keep your eye on the past for it gives you a sense of belonging; keep your eye on the future for it gives you a sense of purpose.

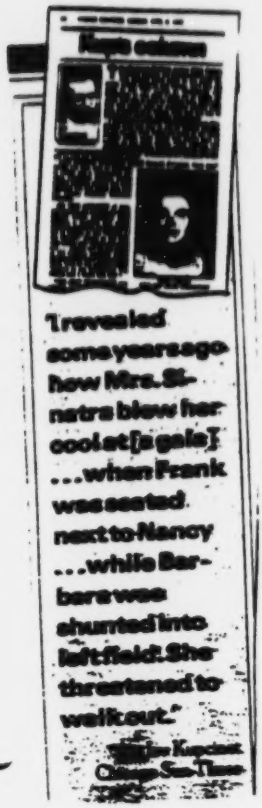
Old Eskimo Proverb

2 - American history is gaudier than a dime novel and a lot better reading...

Charles Kuralt

APPENDIX 4: SOAP OPERA

Excerpts from Newsweek article about Kitty Kelly's unauthorized biography of Nancy Reagan....



"revealed some years ago how Mrs. Sinatra blew her cool at [a gala] ...when Frank was seated next to Nancy ...while Barbara was shunted into left field. She threatened to walk out."

Despite her wretched excesses, Kelley has the core of the story right. Even her staunchest defenders concede that Nancy Reagan is more Marie Antoinette than Mother Teresa.

Real events: All the same, after some scrutiny last week, it became clear that however twisted, the bulk of Kelley's stories seem to be at least based on real events.

Joe Canzeri, a former White House aide, challenged Kelley's most sensational piece of innuendo, that Nancy and Frank Sinatra had sex in the White House. "It's just not true that she refused calls when he was there," he said. "When he was, Nancy usually would call me over to be with them both. I was in the room with them several times." Socialite Betsy Bloomingdale laughs at the thought of her holding a pot party for the Reagans in the '60s.

AND NOW FOR AN EDITORIAL COMMENT, MARK?
THANKS, ZONK. BY NOW, EVERYONE IN THE WORLD MUST KNOW ABOUT NANCY REAGAN'S WHITE HOUSE "LUNCHES."
OUR OWN VIEW IS THAT WHAT A GROWN WOMAN – EVEN A FIRST LADY – DOES BEHIND CLOSED DOORS IS HER OWN DAMN BUSINESS.
...EVEN WHEN IT RELATED TO A GUEST WHOSE ENCOUNTERS COMPROMISED NOT JUST THE DIGNITY BUT THE SECURITY OF THE PRESIDENCY, WHICH AS IT HAD DURING A PREVIOUS ADMINISTRATION! THANK YOU, AND GOOD NIGHT.

An abortion? For Reagan's girlfriend? Like so much else in this sordid but strangely compelling book, the mere charge casts a new light on much of what the former president has said over the years. If even a small fraction of the material amassed and borrowed here turns out to be true, Ronald Reagan and his wife had to be among the most hypocritical people ever to live in the White House.

The Emperor Has No Clothes

Tell-all histories aren't altogether new. Back in the second century Suetonius divulged that Tiberius liked to swim naked with little boys and girls (fishes, he called them). But most historians have allowed their emperors to keep their clothes on—until recently. Now, even Pulitzer Prize winners are into icon-bashing and heavy speculation. Here, a survey of allegations, rated by how effectively they have slashed at our preconceptions.

The Kennedys

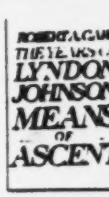
Peter Collier and David Horowitz

Lots and lots of Kennedys (mostly male) and lots and lots of sex. Joe Sr. diarobes before his daughter's friend. Jack is "as [sexually] compulsive as Mussolini." Bobby Jr. indulges in an "Olympian display of virility" with two coeds at one time. And then there are the drugs: lots and lots of heroin, "a cupful of Valium, some Percodans . . ." How did Ethel cope with her [illegible]? She beat them with a hairbrush, and sent them away.

The Final Days

Bob Woodward and Carl Bernstein

Anyone watching President Nixon's resignation speech could tell he was not at his most stable. But who could have known the final nights of his presidency were spent "walking the halls ... talking to pictures of former Presidents"? That he had become potentially suicidal? That he couldn't stop sobbing? And when he got Henry Kissinger to kneel down and join him in prayer, the writing was so vivid you wanted to avert your eyes.



The Years of Lyndon Johnson, Vols. I and II

Robert A. Caro

How bad was LBJ? So bad, insists the prize-winning Caro, he was "the biggest liar on campus." So bad, he robbed elections, stuffed ballot boxes and accepted bribes "in amounts unprecedented" right on through the vice presidency. (Caro has yet to provide proof of this.) So bad, he had affairs with married women. So bad, he named his genitals "Jumbo."

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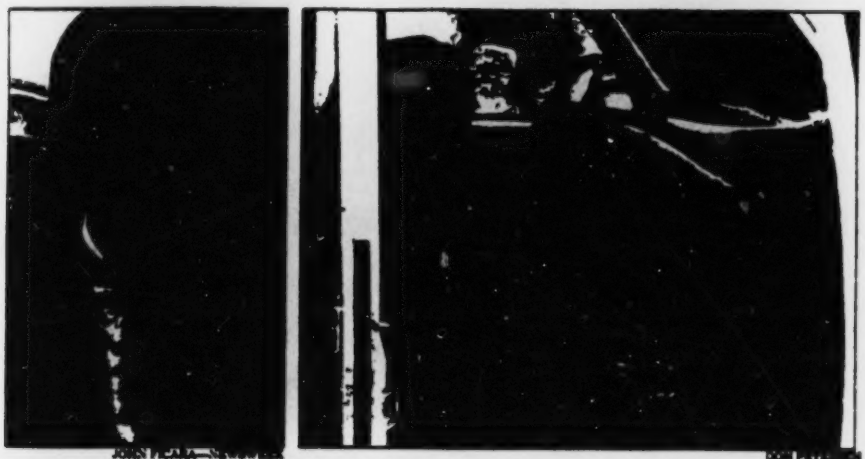
McGUIGAN, "WRETCHED EXCESS", NEWSWEEK, APRIL 1991

Senator Robb's Walk on the Wild Side



The moth and the flame: *The politician is burned by an encounter with a beauty queen*

It may have been a midlife crisis, no different from what thousands of other American males go through. But last weekend, Virginia Sen. Charles Robb's life passage was scheduled to be explored in embarrassing detail on NBC television's "Exposé." A straight-arrow former Marine who is on Washington's short list of presidential contenders, Robb apparently took a walk on the wild side during his term as governor of Virginia (1982 to 1986). He attended beach parties where some of the guests used cocaine. (Robb denies knowing any drugs were used.) And he admits to spending an evening in a New York hotel room with a Virginia beauty queen, who was then 21 years old. The woman, Tai Collins, discusses the alleged incident in a segment called "The Senator's Secrets." Robb, now 51, is still married to his wife of 23 years, Lynda Bird. He told The Washington Post he has never "loved anyone emotionally or physically" other than his wife. And friends say the couple is closer than ever after a "come to Jesus" discussion early this year.

Once again, there is debate over how far the press should go in probing the private lives of politicians. Robb is fighting back. He has hired libel lawyers, and in a letter to NBC's Tom Brokaw, prepared the ground for a lawsuit by accusing the network of acting with "reckless disregard for truth." In his zeal to smother the story, Robb strained the credulity of Beltway insiders with his version of the 1984 evening with Collins. Robb claimed they shared a bottle of wine and that she gave him a massage—but that was all. "He must be an incredibly disciplined Marine to go that far and then say 'That's enough'," joked a Democratic House staffer.

Late jokes: The jokes of the late-night talk-show circuit are sure to be sharper, and Robb is obviously anguished. He compared his encounter with Collins to "the moth that gets a little close to the flame one time." Upright and uptight, he is struggling to rationalize his behavior and to deflect some of the blame onto his political enemies and the press. While most of the allegations against him are not new—they dogged him during his '88 campaign for the Senate—they are resurfacing at a time when they could damage his chance to be on the national ticket in '92. Some Democrats questioned Collins's motives in coming forward now with kiss-and-tell tales about an event that allegedly occurred seven years ago. (She was troubled in part by what she claims were threats from a Robb aide if she talked. Robb denies any threats were made.)

Does it matter if Robb had an affair? His late father-in-law, Lyndon Johnson, was a legendary philanderer, and no one wrote about it while he was in office. Unlike Gary Hart, who dared reporters to "put a tail on me," Robb has not flaunted his private life. But he is sanctimonious and given to preaching family values, qualities that make him a target for reporters eager to unmask hypocrisy. Safely off in the Mideast when the scandal broke, Robb let his senior aide, Steve Johnson, field questions for four hours. Asked if Robb's pursuit of Collins showed that he had "a character flaw," Johnson was philosophical: "Everyone who is running for president is going to go through this kind of car wash at least once." The real character test will be how Robb handles this crisis.

ELEANOR CLIFT in *Washington*

NEWSWEEK:MAY 6,1991

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'I have a dream!'.

(These cartoons were collected during the 1991 school year fr various publications. Unfortunately, I am unable to reference them since I was unaware (at the time) that I would need to.)

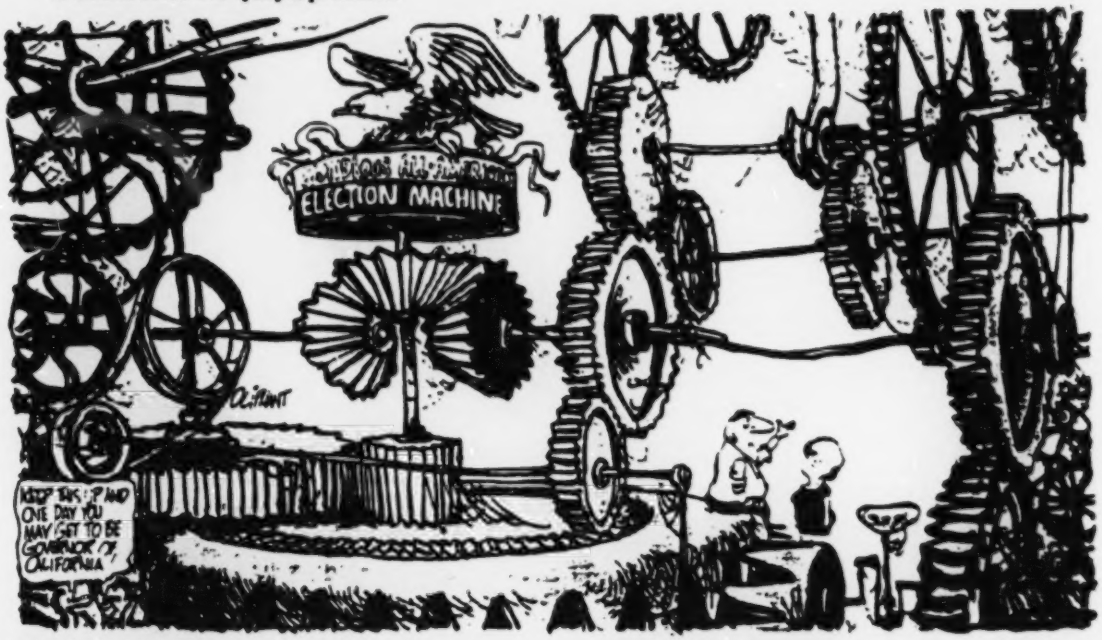
3.)

© 1991 MARLETTE—NEW YORK NEWSDAY

'Her Majesty has a point, dear— it would solve the Quayle problem!'

4.)

5.)



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"I KNOW IT NEEDS FIXING, BUT RIGHT AT THIS MOMENT I'M SICK OF IT!"

Types of Political Systems

Below are descriptions of major types of political systems. You will notice that some descriptions place emphasis on economic characteristics. It is difficult to describe a political system without referring to its economic system.

You should also be aware that characteristics of a political system may be combined with characteristics of other systems. For example, Sweden is both a constitutional monarchy and a social democracy. That country has both a figurehead monarch and a democratic government that plays an extremely active role in supporting many social programs.

Monarchies

Absolute monarchies are political systems based on power held by a royal ruler (king or queen) and a class of nobles. The overwhelming majority of the people have no voice in government. An absolute monarch receives his authority from the widespread belief in the divine right of the king or queen to rule. Such monarchs rule in the name of God and pass this authority on to their children. Some absolute monarchies were overthrown by revolution (France in 1789 and Russia in 1917), while others, such as those in England and Sweden, gradually evolved into constitutional monarchies.

The constitutional monarchy differs greatly from the absolute monarchy. The monarch's powers are usually severely limited by law, and in most cases, the monarch is only a figurehead. A representative assembly, such as the Parliament in England, writes the laws for the country. Representatives to the assembly are elected by the people and are accountable to them. Constitutional monarchies have come to resemble representative democracies (described below) in many respects.

Representative Democracies

This type of political system originally arose in reaction to the tyrannical and rigid rule of absolute monarchs. Representative democracies have governments that are run by elected representatives of the people. The duties, responsibilities, and powers of such representatives are set forth in fundamental written laws and principles known as a *constitution*. These governments receive their authority based on the consent of the governed. Representative democracies have gradually extended the franchise (right to vote) to nearly all of their adult citizens. The American Revolution led to the establishment of a representative democracy that has served as a model for governments in many other countries.

The development of large-scale industry has resulted in demands for industrial and economic democracy in addition to political democracy. In some countries, the demand that government become fundamentally responsible for public welfare and take a very active role in a country's social and economic life has resulted in a particular form of representative democracy, the social democracy. As of the early 1980s, social democratic countries included India, Sweden, and Costa Rica.

Communism

Those countries with a Communist political system operate on the basis of rule by one political party and state ownership of the major economic institutions. A Communist government claims that the Communist Party represents the interests of the working class. Open opposition to the Communist Party's right to rule is not tolerated. While Communist nations include Yugoslavia, the Soviet Union, China, Cuba, Hungary, and Albania, they have vastly different political systems.

Fascism

This type of political system gained power in Germany (through the Nazi Party) and in Italy prior to World War II. Unlike the Communist systems a fascist government usually controls only some of the important economic institutions while most ownership remains in private hands. Fascist governments seek popular support through extreme nationalism, claims of racial superiority, and anti-Communism. A fascist system is characterized by strong-arm dictatorship.

GARY WALLER, CONTEMPORARY'S GED TEST 2:THE SOCIAL STUDIES TEST (CHICAGO, CONTEMPORARY BOOKS,INC.,1985) pp.133-134

The Constitution set up a *limited* government. This meant that the government could *not* do just anything that its leaders wanted. It could only do things that the Constitution said it could do. If it did other things, these things were called "unconstitutional" and were illegal. This is still true today. Sometimes it is not clear whether something is unconstitutional. The United States Supreme Court has the power to decide if something is unconstitutional. You will learn more about this later in the chapter.

The Constitution gives certain powers to the federal government; that is, it says the federal government can do certain things. These things include the ones we have mentioned: to maintain an army, to print money, to maintain a post office, and to regulate interstate commerce. It also lists other specific duties which the states do not have:

- Every ten years it has to count all the people in the country. This is called the *census*.
- It has to deal with foreign countries in peace and in wartime.
- It collects federal taxes.
- It enforces federal laws in the courts.
- It maintains the federal court system.

Two countries in Southeast Asia are fighting each other. Which government in the United States has the power to deal with each of those countries?

___ a. federal government
___ b. city government
___ c. county government
___ d. state government

The Constitution gives certain tasks to the federal government, but it does not say exactly how the federal government should do them. For example, the Constitution says that the federal government has to "... regulate commerce among the several states." This means that the federal government has to take charge of business that goes on between states. But it does not say *how* the federal government has to do this.

The politicians who wrote the Constitution in the 1780s did not know that there would someday be cars, trucks, buses, airplanes, and trains. They knew about horses, wagons, and boats. If they had tried to say in the Constitution that owners of horses and boats and wagons had to follow certain rules, the Constitution would have been out of date as soon as trains were invented.

The army is another example. The Constitution leaves it up to the federal government to have an army. But if they had said that the army

had to use horses and wagons, there would have been no rules to handle the forming of an air force.

The government leaders who wrote the Constitution in the 1780s were wise. They said *what* the federal government had to do, and not exactly *how* they had to do it. Instead, the people were allowed to decide as time went on how to do each thing.

Deciding how to do such things as "regulate commerce" or "maintain an army" is the job of the people who run the federal government: the President, the members of Congress, and the Supreme Court. In the next chapter you will learn about each of these and what they do.

You should know just a few more things about the U.S. Constitution. You know that the federal government is a *limited government*. It can do only things that the Constitution gives it power to do. But there are also many things the Constitution says that the government *cannot* do. For example, it says that "No ex post facto law shall be passed." An *ex post facto* law is a law that makes something you do illegal *after* you do it. This story shows you how this works.

Jeannette Robinson turned 21 years old last week and went out for a beer with her boyfriend. This week a new law was passed. The law says that you cannot buy beer until you are 22 years old. When Jeannette went out for a beer last week, it was legal for her to drink. Now she has to wait until she is 22 years old to buy beer legally again. But she cannot be accused of breaking the law by buying beer before, because *last* week it was legal to drink if you were under 22 years old.

● If Jeannette discovers that next year the drinking age becomes 25, has she broken the law this year? (Check one.)

___ yes
___ no

The Constitution says that the government cannot pass a law that lets police arrest you for something that was legal when you did it. Another part of the Constitution that keeps government officials from doing anything they want is the *Bill of Rights*. This is a list of rights that the government cannot take away. For example, people can practice whatever religion they want. And people can say whatever they want against the government. There are also other rights. The police cannot put a person in jail for a long period of time without a trial. And if a person is accused of a crime, he or she has the right to a trial by a jury of his or her peers (that is, average citizens). These examples show you that *the government cannot make laws that take away certain rights*. Even though the Constitution is a federal list of rules, the states also have to follow it.

The Constitution is a very important thing for everyone living in the United States. It sets up a federal government which does things all of us need to have done (like printing money). But the Constitution also helps keep government officers from using their power to hurt people. The government has sometimes done things that were not allowed by the Constitution, and it has not been stopped. For example, during a war with Japan, the United States government put Japanese people who were American citizens in special "camps."

These camps were not exactly prisons. But they were like prisons, because people were not allowed to be free. Even though the Constitution says you have a right to a jury trial, and that you have to be found guilty in court before you can be put in jail, the federal government has not always followed this rule. The federal government placed many innocent people in camps, where they did not want to be.

The Constitution left many problems unsolved. For example, it did not stop slavery of black people. Also, it did not say that states had to let women vote. So it did not solve the slavery issue or the women's *suffrage* (voting) issue. The Constitution can be changed, though. Slavery was made unconstitutional in 1865, almost one hundred years after the Constitution was written.

The Constitution can be changed by *amending* it. This means that a certain number of states can agree on a change they want to make in the Constitution and then change it. This change is called an *amendment* to the Constitution. It is a *change* in the Constitution. One amendment that many people want now says that women should have equal rights with men. This amendment is called the Equal Rights Amendment (ERA). Right now many states do not allow women to do certain things they allow men to do. If enough states agree to change this, all states will have to give women equal rights with men.

There are already 26 amendments to the Constitution. They deal with all kinds of subjects. One amendment outlaws slavery. One makes an income tax legal. One gives women the right to vote. One made it illegal to sell liquor, while another amendment made selling liquor legal again.

One recent amendment is interesting. When President Kennedy was killed in 1963, the Vice President, Lyndon Johnson, became President. The Constitution says this is what happens when a President dies. But when Mr. Johnson became President we had no Vice President at all. So the 23rd Amendment was passed by the state governments to tell us what to do if the President dies. The latest amendment, the 26th, gives 18-year-olds the right to vote.

JOAN SIMON JONES, SOLVING LIFE PROBLEMS IN GOVERNMENT AND LAW-2 (NEW YORK, MCGRAW HILL BOOK COMPANY, 1980)

APPENDIX 8: HIGHLY CONDENSED CONSTITUTION

Article I

Section 1 - The legislative branch will be made up of the Senate and House of Representatives.

Section 2 - Representatives will be elected every two years and their numbers will be set by population.

Section 3 - Senators will be elected every six years and there will be two from each state.
- Only the Senate can impeach the President.

Section 4 - The states will set the election dates.

Section 5 - Each house governs itself.

Section 6 - Every representative will be paid through the U.S. Treasury.

Section 7 - Outlines how a bill becomes a law. (House -> Senate -> President/pass or veto unless 2/3 majority)

Section 8 - Congress shall hold the purse strings of the nation and formally declare war.

Section 9 - Outlines limits on Congressional power.

Article II

Section 1 - The executive branch is made up of the President and Vice-President for a 4 year term.
- Describes executive election process (electoral college)
- Establishes that the Vice-President will assume the duties of the President if the President is unable to perform the tasks of office.
- Establishes the oath of office.

Section 2 - The President is to be Commander and Chief of the armed services.
- The President may grant pardons for federal crimes.
- The President will nominate important officials such as Supreme Court Justices and ambassadors, etc...
- The President may form treaties with 2/3 congressional approval.

Section 3 - Establishes the state of the union address.

Section 4 - Lists crimes warranting possible impeachment.

Article III

Section 1 - The judicial branch will be made up of the Supreme Court and the lower courts.

Section 2 - Judicial power will apply to cases based on the Constitution and U.S. law. Such trials will be held in the states in which they were committed.

Section 3 - Discusses how cases of treason will be handled.

Article IV

Section 1 - Reports shall be given in each state concerning the actions of the other states.

Section 2 - Guarantees rights to citizens of all states.
- Any criminal who flees his state to another shall be returned.

Section 3 - Provides for admission of new states to the union as well as the management of territories.

Section 4 - Guarantees government and protection of all states.

Article V

Outlines the amendment process.

Article VI

States that any debts or agreements made before the Constitution was written are still valid.

Declares the Constitution to be the supreme law of the land and states that all executives, legislators, and judges are bound thereby to uphold it.

Article VII

Stipulates that the Constitution could become effective after ratification at nine state conventions.

Constitution

Ratified – March 19, 1992

We The Students, in order to pass the GED, obtain earning, insure our future, provide for the over-all improvement of each other, and promote excellence for all who enter our class do write this constitution of The 10:30 class.

Article I

1) Stress GED material
2) No homework on Wednesday and Friday.
3) get big from
4) 4 absences a month
5) 10 minute break 11:25-11:35
6) Conferences regularly, once a ~~month~~
7) Elections held for Secretary 3 ~~times/year~~ 2 ~~years~~
8) Class begins at 10:30, ends at 12:15
9) English Spoken at all times.
10) One subject ~~per~~ day

~~Article~~ II

11) ~~Heterogeneous~~ grouping only
12) No cheating or quitting
13) No speaking out when others are talking
14) ~~The President~~ has power to assign homework.

Maria Cepeda — Maria Estrada
Shirley Estrada — Maria Rosario
Elena Lewis — Sandy Williams ~~Martin~~
Bill Stevens — Ingrid J. Ortiz
Carmen ~~Rosario~~ Tina Cecilia — Lydia Lopez
Barbara A. Strawbridge
Vice President
Karen ~~Ortiz~~ President

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APPENDIX 10: PARTIES

Questions 25–27 refer to the following passage.

An issue that highlighted some of the differences between the Democratic and Republican parties in 1980 was the matter of taxes. The Democratic Party platform called for reforms that would reduce or eliminate inequities that had existed in America's tax system. The Democratic platform called for the elimination of most tax loopholes that favored rich people. It supported an end to many types of tax deductions. Some reforms supported by the Democrats would have encouraged people to save more of their earnings.

In comparison, the Republicans called for tax cuts for nearly all income groups, rich and poor alike. The tax cuts were to have been made possible by budget cuts and a reduction in government spending. The tax cuts went along with the Republican idea of reducing the size of government. The Democrats, on the other hand, argued that a reduction in government spending would lead to a higher unemployment rate.

3) 25. According to the passage, the 1980 Republican Party platform proposed to

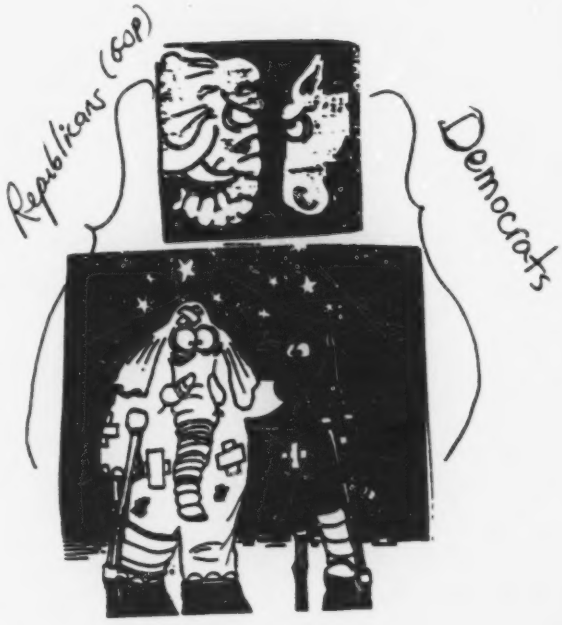
(1) increase taxes
(2) eliminate tax loopholes
(3) reduce taxes
(4) encourage more saving of earnings
(5) reduce unemployment

2) 26. Which of the following best states the main idea of the passage?

(1) The Democratic and Republican party platforms were basically the same.
(2) The major party platforms were based on different objectives for government.
(3) Both party platforms encouraged business investment.
(4) The Democrats and Republicans agreed that tax cuts should benefit only the poor.
(5) Both party platforms indicated a need for new government agencies.

27. According to the passage, the 1980 Democratic Party platform was opposed to a reduction in government spending because (1)

(1) that policy might result in throwing people out of work
(2) Democrats had been planning several new programs
(3) it was felt that tax cuts were a more important priority
(4) too many inequalities exist in America's tax system
(5) such a policy might result in an increase in the rate of inflation



ROSENDO ABREU, CAMBRIDGE EXERCISE BOOK FOR THE SOCIAL STUDIES TEST (NEW YORK CAMBRIDGE 1981) pp. 40-41

Before the 1930's, workers were only paid as long as they were "smart." If they were smart enough not to be ill, they were paid. If they were smart enough not to be injured, they were paid. And if they were very smart, they would find strength to work every day until they died. When people were not this "smart," they looked for help. Their families, private charities, and churches did what they could. All of these groups helped when the economy was healthy.

When the Depression hit, families, charities, and churches were weakened. And there was more need of them than ever before. Pat Cauley, a construction worker, kept a diary. Here is an entry from 1932: "Went to church. I said the family needed something to keep going. Got a nice sermon. Came home, pockets empty." Cauley's story was told by millions of others. Even when charities did help, people were not completely happy. People on soup lines did not starve. But their pride went hungry.

In 1933, Democrat Franklin Roosevelt became president. He said government should replace charities. Since people paid for government, government support was not charity. Government support was people's tax money at work. People could feel they deserved government support.

In 1935, Roosevelt signed the Social Security Act. The Social Security Act provided money for the elderly, the blind, and the handicapped. Workers benefitted, too. Workers who were ill or injured were to receive money. Families were to receive assistance when working fathers died. People laid off from work were to be helped until they found new jobs.

7. The passage implies that Pat Cauley wanted which of the following from his church?

   (1) a prayer (2) a sermon
   (3) construction work (4) money

   (4)

8. Which of the following statements about Social Security is supported by the passage?

   (1) Healthy, employed workers would receive Social Security.
   (2) When unemployed workers found jobs, they would pay taxes for Social Security.
   (3) People prefer charity to Social Security.
   (4) Social Security is paid for by private charities, families and churches.

   (2)

9. Which of the following would be the BEST title for the passage?

   (1) Before Social Security
   (2) Families and Private Charities
   (3) People's Tax Money at Work
   (4) Pat Cauley, Construction Worker

   (1)

10. From the information in the passage, you can conclude that workers before 1935 were

    (1) healthier than today's workers
    (2) worse off than today's workers
    (3) smarter than today's workers
    (4) more religious than today's workers

    (2)

TIM FOOTE, ED., CAMBRIDGE EXERCISE BOOK IN READING (NEW JERSEY, PRENTICE HALL, 1988)

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Political Parties : APPENDIX 11

National political parties are the next level in the structure of American politics. The U.S. Constitution did not provide for political parties. However, the many conflicts over the direction of national policy in the 1790s made it necessary to have organizations that could harness the energy and efforts of different interest groups and channel these into political action.

Two major parties, the Republicans and Democrats, now dominate the U.S. political system and have done so since the 1860s. These two parties have been particularly effective in organizing coalitions of interest groups. To do this, they develop compromise programs that can unite a broad coalition and hold it together in order to campaign for the party's candidates.

Political parties use national conventions to select presidential candidates. The delegates to national conventions are elected at local levels in party caucuses or through primary elections preceding the conventions. The national party platform is also adopted at the convention. The platform is a statement of what the party stands for.

In a complex society like ours, the interest groups and political parties are very crucial to an effective democracy. The individual citizen cannot have much influence on the direction of politics without becoming part of an organized political group. Of course, the citizen can and should exercise her right to vote for candidates, but only through participation in the process of defining issues can citizens meaningfully affect what choices they will have at election time.

Professional politicians play an important role in the political process. The term *politician* has almost become a dirty word. However, politicians are the experts at building the coalitions necessary for getting things done, and they usually have finely tuned senses that detect which way the winds of public opinion are blowing. They are seldom heroes, even viewed by some as scoundrels, but they are indispensable to the American political process.

The American method of building political coalitions has led to a very slow-moving and stable political process. The majority of people vote repeatedly for the same party, and they generally vote for the same party their parents did. However, in recent elections, an increasing number of voters have come to consider themselves "independents," and many old voting patterns are breaking down. For example, recently, the Republican Party has been picking up strength among traditionally Democratic working class voters.

GARY WALLER, pp. 134-135

Two representatives in Congress wanted bills passed last year. Jean Morris, a Democrat, wanted a jobs bill. However, she didn't really want a bill to help farmers get out of debt. Dan Blake, a Republican, wanted a bill to help farmers get out of debt. But he didn't really want to pass another jobs bill. They both lost. And they both won.

Jean Morris represents a coal-mining state. Last year, some big factories in the country closed down. These factories used coal. The coal business suffered. Many miners lost their jobs. Morris wanted to get jobs for these workers. She knew that the jobs could win her votes on Election Day.

Blake had a similar problem. There were many farmers in his state. Many of the farmers owed a lot of money to banks. They had borrowed the money to improve their farms. But there was a surplus of crops. Because farmers had grown too much, crop prices were low. Farmers couldn't make enough money to pay their debts. Some farmers even lost their farms. The people in Blake's state weren't happy. They wanted the government to do something. They wanted a bill that would help the farmers out. Blake supported such a bill. If it passed, the government would buy off the extra crops that the farmers grew.

Morris and Blake got together. Morris promised to vote for the farm bill if Blake would vote for the jobs bill. Blake agreed to do it. This way, they both would have a better chance to pass the bill they really wanted.

Morris and Blake practiced "quid pro quo." "Quid pro quo" means "this for that." It is a trade. Each lawmaker wants to pass a bill. Neither one really likes the other's bill. But they agree to vote for both bills. This way, they both get what they want.

(2)

5. The main purpose of this passage is to explain

   (1) the problems of the coal business
   (2) the practice of "quid pro quo"
   (3) why Dan Blake had no interest in a jobs bill
   (4) why some farmers lost their farms

(3)

6. According to the passage, there is unemployment in Morris's state because

   (1) miners cannot pay their debts to banks
   (2) miners are losing their homes
   (3) the coal-mining industry is suffering
   (4) coal prices are too low

(4)

7. The passage states that Dan Blake wanted to pass a bill that would

   (1) give farmers new jobs
   (2) improve the farmers' land
   (3) pay farmers' debts
   (4) make the government buy farmers' extra crops

(1)

8. According to the passage, Blake agreed to vote for the jobs bill because if he voted for it

   (1) Morris would vote for the farm bill
   (2) the farmers would get their land back
   (3) the coal miners would vote for him
   (4) the economy would be stronger

(APPENDIX 12: cont.)

In the United States today, there are two major parties—the Democratic Party and the Republican Party. Each political party is made up of members who share goals and ideas. Each party wants its goals and ideas to direct the actions of government.

Parties nominate, or choose, people that they want in office. The nominated people are called candidates. Political parties select candidates to represent them in elections. Each party then works to get its candidates elected.

The list of candidates that a party nominates is called a slate. The government has elections on national and state levels. There are also smaller elections on county, ward, town, and precinct levels. The party presents voters with a slate that covers each level of government.

Nominating candidates is the major job of a party. But it is not the only thing that a party does. At national conventions, party members from every state gather together. They make up a platform. A platform is a statement of goals. The goals may be general or specific. For example, a general goal may be having better schools. A more specific goal may be raising teachers' salaries. The platform creates unity for the party. It tells voters what the party stands for.

A party must also do fund-raising. Fund-raising is a group of activities designed to bring in money. The party uses some of this money to pay for its day-to-day operation. But most of the money is spent on getting the party's candidates elected.

9. The main idea of the passage is that a political party is organized so that its goals and ideas can

   (1) bring in money
   (2) get candidates elected
   (3) direct the actions of government
   (4) raise teachers' salaries

10. According to the passage, a platform is

   (1) a fund-raising event
   (2) a political party
   (3) a list of candidates
   (4) a statement of goals

11. According to the passage, the major job of a party is to

   (1) nominate candidates
   (2) raise teachers' salaries
   (3) make a platform
   (4) do fund-raising

12. According to the passage, each of the following is true about political parties EXCEPT

   (1) parties nominate candidates for office
   (2) the two major parties often have the same platform
   (3) political parties use money from fund-raising to get their candidates elected
   (4) political parties want their goals and ideas to direct the actions of government

In 1854, Nebraska and Kansas were not yet states. They were territories. Congress had to make a decision. Congress had to decide if slavery could be allowed in these territories.

The country was split over this question. Most of the South said slavery should be allowed in the territories. Most of the North said that slavery shouldn't be allowed. It was a heated debate. Finally, Congress passed the Kansas-Nebraska Act. This act left the decision up to the territories themselves.

Before 1854, there were two major parties in America. The parties were the Whigs and the Democrats. Democrats supported states' rights. Whigs believed in a strong central government. Most Democrats supported the Kansas-Nebraska Act. And some Southern Whigs supported the act. But many Northern Whigs did not like it. These Whigs were small farmers who did not own slaves.

The people who opposed the new act called themselves Anti-Nebraska men. They decided to form their own party. A few Democrats joined them. Abolitionists joined the party, also. Abolitionists wanted to abolish, or end, slavery.

The Republican Party was born. The new party called for an end to slavery in Washington, D.C. The party also wanted slavery to be illegal in new territories. In 1856, the Republicans nominated their first presidential candidate. He lost the election to the Democrat James Buchanan. But in the next presidential election, the Republicans tried again and won. Abraham Lincoln was the first Republican president of the United States.

4. From the passage, you can infer that Congress left the slavery question up to the territories because

   (1) Congress thought that the territories would make a better decision
   (2) Congress did not know how to settle the slavery issue
   (3) the territories would then make slavery illegal
   (4) the territories would then make slavery legal

5. Which of the following inferences can be made about Northern Whigs from the passage?

   (1) Many Northern Whigs feared competition from large, slave-owning farms.
   (2) Most Northern Whigs joined the Democratic Party.
   (3) Many Northern Whigs supported the Kansas-Nebraska Act.
   (4) No Northern Whigs joined the Republican Party.

6. Which of the following would be the BEST title for the passage?

   (1) Democrats and Whigs
   (2) Slavery in the Territories
   (3) The Nebraska-Kansas Act
   (4) The Birth of the Republican Party

TIM FOOTE, ED., pp.8-10

Town Meeting Day

(Strafford, Vermont)

This one day in Vermont, the town carpenter lays aside his tools, the town doctor sees no patients, the shopkeeper closes his shop, mothers tell their children they'll have to warm up their own dinner. This one day, people in Vermont look not to their own welfare but to that of their town. It doesn't matter that it's been snowing since four o'clock this morning. They'll be in the meeting house. This is town meeting day.

Every March for 175 years, the men and women of Strafford, Vermont, have trudged up this hill on the one day which is their holiday for democracy. They walk past a sign that says: THE OLD WHITE MEETING HOUSE—BUILT IN 1799 AND CONSECRATED AS A PLACE OF PUBLIC WORSHIP FOR ALL DENOMINATIONS WITH NO PREFERENCE FOR ONE ABOVE ANOTHER. Since 1801, it has also been in continuous use as a town hall.

Here, every citizen may have his say on every question. One question is: Will the town stop paying for outside health services? The speaker is a farmer and elected selectman, David K. Brown. And farmer Brown says yes.

DAVID K. BROWN: This individual was trying or thinking about committing suicide. So we called the Orange County Mental Health. This was, I believe, on a Friday night. They said they'd see him Tuesday afternoon [*mild laughter*], and if we had any problems, take him to Hanover and put him in the emergency room. Now I don't know as we should pay five hundred and eighty-two dollars and fifty cents for that kind of advice.

They talked about that for half an hour, asking themselves if this money would be well or poorly spent.

This is not representative democracy. This is pure democracy, in which every citizen's voice is heard.

JAMES CONDICT: We will vote on this before we go to Article Four. All those in favor signify by saying "Aye."

PEOPLE: Aye.

CONDICT: All opposed.

PEOPLE: Nay.

CONDICT: I'm going to ask for a standing vote. All those in favor stand, please.

It's an old Yankee expression which originated in the town meeting and has entered the language of free men: Stand up and be counted.

And when the judgment is made, and announced by James Condict, maker of rail fences and moderator of this meeting, the town will abide by the judgment.

CONDICT: There are a hundred votes cast—sixty-one in favor and thirty-nine against. And it then becomes deleted from the town budget.

This is the way the founders of this country imagined it would be—that citizens would meet in their own communities to decide directly most of the questions affecting their lives and fortunes. Vermont's small towns have kept it this way.

Will or will not Strafford, Vermont, turn off its streetlights to save money?

CONDICT: All those in favor—
MAN [*shouting*]: —Paper ballot!—
CONDICT: —signify by saying—
MAN [*shouting*]: —Paper ballot!—
CONDICT: —"Aye."
MAN [*shouting*]: Paper ballot!
WOMAN: What?
MAN: That's my right, any member's right at a meeting—to call for a paper ballot.
CONDICT: Is that seconded?
WOMAN: I'll second it.
CONDICT: It's seconded.
MAN: It doesn't have to be seconded.
CONDICT: Prepare to cast your ballots on this amendment.

If any citizen demands a secret ballot, a secret ballot it must be. Everybody who votes in Vermont has taken an old oath—to always vote his conscience, without fear or favor of any person. This is something old, something essential. You tear off a little piece of paper and on it you write "yes" or "no." Strafford votes to keep the streetlights shining.

There is pie, baked by the ladies of the PTA. There are baked beans and brown bread, served at town meeting by Celia Lane as long as anybody can remember. Then a little more wood is added to the stove and a dozen more questions are debated and voted on in the long afternoon. What is really on the menu today is government of the people.

Finally came the most routine of all motions—the motion to adjourn.

CONDICT: All in favor signify by saying "Aye."
PEOPLE: Aye!
CONDICT: All that oppose.
PEOPLE [*much louder*]: Nay!
CONDICT: Then we don't adjourn, and the Nays have it.

It is heady stuff, democracy. They wanted to go on enjoying it for a while in Strafford today.

When finally they did adjourn and walk out into the snow, it was with the feeling of having preserved something important, something more important than their streetlights—their liberty.

(KURALT pp. 289-291)

OFFICIALS AND STATE ELECTIONS : APPENDIX 14

The governors and state legislators are all elected. The governor is elected by all voters in the state. The legislators are elected from districts like congressional districts, but usually much smaller.

One thing you will need to find out before you vote is who your state Representative and state Senator are. You can find out by calling the election officials in your area and giving them your address.

Like the President, the governor runs the government from day to day and works with the state legislature to pass new laws. In most states, the governor cannot appoint all of the other executives. For example, in many states the following office holders are elected, rather than appointed by the governor:

- The Lieutenant Governor. He or she is like the Vice President, and generally has little to do except to replace the governor if he dies.
- The Attorney General. This official is the chief lawyer for the state and works to enforce state laws in court.
- The Secretary of State. This official takes care of record-keeping and runs elections.
- The Auditor. This official checks the finances of all the state programs to be sure they are honestly run.
- The Treasurer. This official usually handles tax collection and the payment of bills.

Because these people are all elected separately, they may or may not be friendly to the governor and cooperative with him. The President is more powerful in this respect, for he can appoint his assistants.

Still, the governor can appoint many of his or her major assistants to be heads of the state departments. Departments that are fairly common among states include the Department of Welfare, the Department of Highways, the Department of Taxation, the Department of Education, the Department of Agriculture, the Department of Commerce, and others.

The state legislatures work in much the same way as the United States Congress. They break up into committees. They have leaders in each house. They often have to confirm the governor's appointments of department heads.

JOAN SIMON JONES, pp. 56-58

APPENDIX 15 : VOTE

VOTER REGISTRATION

States require voters to register before election day. Registering to vote can be done by mail in a few states. In most states you have to go to an office where you can register. The rules vary from state to state.

You will usually have to fill out a card with you name, address, and signature. You may have to show identification to prove you are at least 18. When you are registered you can vote at the next selection.

INFLUENCING GOVERNMENT

The right to try to influence government is one of the basic rights of all United States citizens. Influencing government means getting it to do what you want. There are various ways for the average person to do this:

* Vote regularly.
* Get in touch with your representatives and other government officials.
* Participate in organizations like unions or citizens' lobbies that try to influence government.
* Participate in demonstrations.

PRIMARY ELECTIONS

If your state has a party primary election and you want to vote in it, you will have to decide at some point (either when you register or when you vote) what party you want to vote in. Primary elections come before general elections. In a general election two main candidates usually run for each office -- one candidate from each of the major parties.

A primary election is held before the general election to choose the nominee for each party.

INITIATIVES AND REFERENDA

Many states have a provision in the state constitution that allows the city or state constitution to amended by popular vote. This can be done in a given city or statewide. It begins with a petition to place an issue on the ballot.

Joan Simon Jones, pp. 73-79

TOMORROW APPENDIX: 16

WHY CUOMO HAS A LOCK ON DEMOCRATS

BY MICHAEL BARONE AND KENNETH T. WALSH

■ Tennessee Senator Al Gore was the favorite Democratic presidential candidate among white Southerners in 1988. He could be challenged next time by Senators Lloyd Bentsen or Sam Nunn

■ Bob Teeter, Bush's pollster, thinks the President is in good shape heading into the 1992 contest, despite his recent drop in popularity. Teeter yearns for Democrats to nominate a liberal

■ Virginia Governor Douglas Wilder is openly angling for a place on the Democrats' 1992 ticket. He is more conservative than Cuomo, though, on tax and spending issues

■ **THE ELLIS ISLAND BLOC.** The Democratic presidential-selection process, little changed since the last election, is likely to produce as its nominee Mario Cuomo—if he agrees. The Dukakis precedent shows the huge advantage Cuomo enjoys. In 1988, Democrats voted by tribe: Jesse Jackson carried blacks overwhelmingly, Al Gore carried white Southerners and Michael Dukakis carried Ellis Islanders, the descendants of the 1840-1924 wave of immigrants. Since there are more Ellis Islanders than blacks and white Southerners put together among Democratic-primary voters, Dukakis won. Cuomo should run better with blacks (especially if Jesse Jackson is overshadowed by Virginia Governor Douglas Wilder and perhaps by a Senator Harvey Gantt from North Carolina); he won't run worse among white Southerners, and he personifies the Ellis Island heritage much more than Dukakis.

Cuomo's weaknesses—his massive budget deficits, New York's No. 48 bond rating among states, New York City's high crime rate and lurch toward bankruptcy—don't much bother liberal-leaning Democratic-primary voters. His strengths—vision, aggressiveness, the ability to defend Manhattan policies in Queens language—have broad appeal. Of course, Cuomo can make mistakes. Surely he'll get into a tiff with the press. He's not well-positioned to run the kind of retail campaign that succeeds in Iowa and New Hampshire. But it's hard to see how he could lose Illinois, Michigan, New York, Pennsylvania, Ohio, Michigan, New Jersey or California to (in alphabetical order) Lloyd Bentsen, Joe Biden, Bill Clinton, Dick Gephardt, Gore, Jackson or Sam Nunn. He's even better off if, as is still possible, California becomes an early primary. The only possible wild cards would be a Massachusetts Governor John Silber or a California Governor Dianne Feinstein.

■ **BUSH'S ATTACK GAME PLAN.** The President first sized up Cuomo in an August, 1989, Oval Office meeting when the governor launched into a Cuomologue about why Bush should allow him to close the nuclear reactor in Shoreham, Long Island. (The administration continues to fight the closure.) Bush wasn't angry, as his aides were, about Cuomo's tone, but he formed a strong opinion that would guide the campaign if he should run against candidate Cuomo: Bush thinks the New York governor will be as vulnerable to caricature as an out-of-touch left-winger as Dukakis was. "He is," says a Bush political adviser, "the easiest type of Democrat to run against."

Not that the White House thinks Cuomo will be a pushover. Republican strategists see his strengths in precisely the areas where Bush is weak: Debating skill, charisma and the ability to energize his party. The GOP scouting report rates Cuomo as having solid potential for being a "hard times" candidate exploiting class resentments. Strategists know Cuomo won't fail, as Dukakis did, to attack when attacked. But party insiders argue that Cuomo's weaknesses are fatal. Fueled by ongoing negative research by Republican activists, including media adviser Roger Ailes, the Bush camp argues that linking Cuomo with New York—"a cross between Sodom, Calcutta and Dodge City," as one puts it—will be one of their strongest assets. Bush summarized the anti-Cuomo strategy earlier this year when he declared New York "a showcase of liberal policies. Throughout the 1980s, while most of America was growing and looking forward to the future, life in New York . . . was becoming more expensive, more difficult and more dangerous." Strategists like Bob Teeter, Bush's pollster, argue that Cuomo will have little appeal in the conservative South and West, and they believe his temper can be turned against him to portray him as a dangerous demagogue. Basically, Bush's advisers think that, despite the President's current problems, it would take nothing short of a "real contranan spasm" for any Democrat to win in 1992. However, they are so convinced of that, they could be underestimating Cuomo.

■ **DEMOCRATIC ODD COUPLE.** For years, the Democrats have been looking for a conservative Southerner to balance their national ticket. For 1992, they have a ready volunteer in Virginia Governor Wilder, who is black. To be sure, a Cuomo-Wilder ticket would have to bridge a gap as wide as those between John Kennedy and Lyndon Johnson or Franklin Roosevelt and John Nance Garner. Cuomo wants to soak the rich, while Wilder calls for spending cuts. Both proud and prickly, they're an unusually odd couple. But how can the Democrats resist a ticket made up of a son of immigrants and a grandson of slaves? And will the voters, if the nation is mired in war or the economy seems mired in a prolonged slowdown?

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APPENDIX 17: COLLEGE

The United States Constitution provides that the President shall be elected by a body of presidential electors chosen by all the states. This body is the Electoral College.

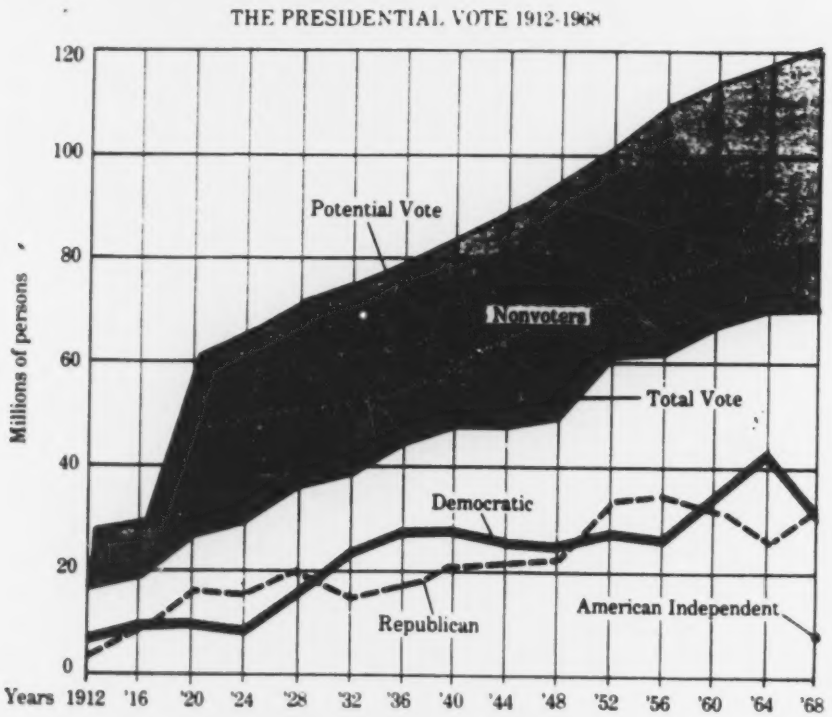
Every state has as many votes in the Electoral College as the total of its Senators and Representatives in Congress. Candidates for presidential electors in each state generally are selected by state committees or conventions of each poilical party. Their names may or may not appear on the ballot with the names of candidates for President and Vice-President. Many voters thus do not realize they do not vote directly fo the President and Vice-President. In the November presidential election, a presidential candidate usually receives all or none of the electoral votes of a state, depending on his winning a plurality, or the highest number of the state's popular vote.

Frequent proposals have been offered for abolishing the Electoral College and for the direct election of the President by the people. These amendments would tend to reduce the importance of the states in the federal system of government. It has been claimed that direct election might encourage third and fourth parties. But this, in turn, might frequently result in the election of a President who received only a minority of the popular votes cast.

"The Electoral College", WORLD BOOK ENCYCLOPEDIA (Chicago, Field Enterprises, 1963) pp. 115-117

APPENDIX 18: GRAPHS

Questions 30–33 refer to the following graph.



(5)

30. According to the graph, in which of the following election years was a Democrat elected President?

(1) 1920
(2) 1924
(3) 1952
(4) 1956
(5) 1964

(3)

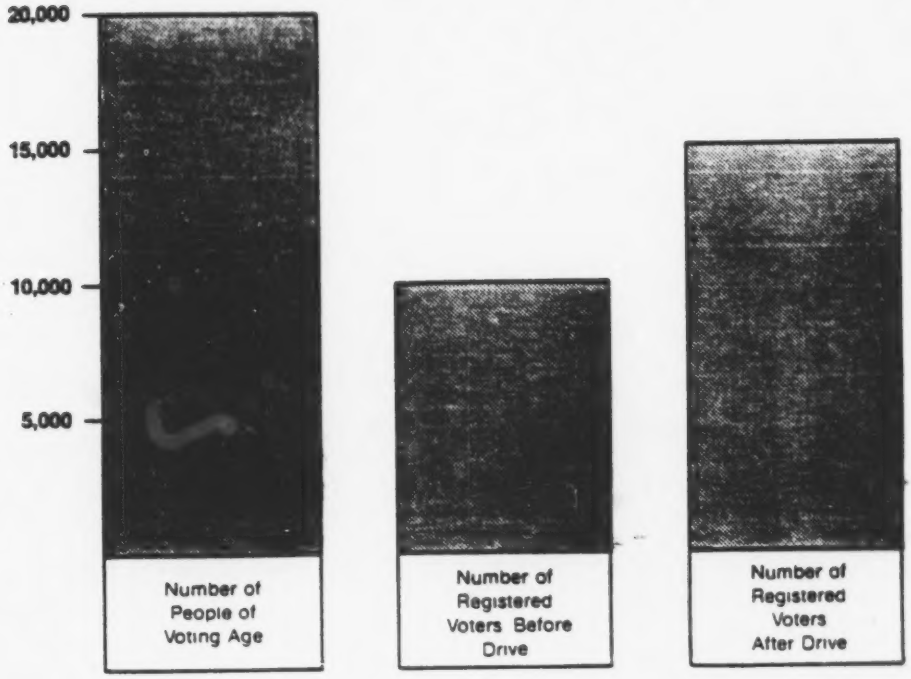
31. According to the graph, in 1968 the number of potential voters who failed to vote was approximately

(1) 120 million
(2) 70 million
(3) 50 million
(4) 30 million
(5) 10 million

32. Based on the information in the graph, it can be concluded about presidential elections in 1912–1968 that

(1) Republicans won the presidency as often as Democrats
(2) the number of nonvoters steadily increased along with the potential vote
(3) the total vote decreased in the last four elections shown on the graph
(4) in 1952, there were more nonvoters than voters
(5) more Republicans have been nonvoters than Democrats have

Effects of a Voting Drive in Gurney County



13. According to the graph, how many people of voting age are in Gurney County?

    (1) 5,000 (2) 10,000 (3) 10,500 (4) 20,000

14. According to the graph, how many people were registered voters before the voting drive?

    (1) 5,000 (2) 10,000 (3) 10,500 (4) 20,000

15. According to the graph, how many people were registered voters after the voting drive?

    (1) 5,000 (2) 10,000 (3) 15,000 (4) 20,000

16. From information in the graph, you can conclude that the voting drive in Gurney County had

    (1) no effect on the number of registered voters
    (2) increased the total number of people of voting age
    (3) decreased the number of registered voters
    (4) increased the number of registered voters

TOM FOOTE, pp. 42&88

APPENDIX 19: VIDEO OUTLINE

GOVERNMENT AS IT IS: THE EXECUTIVE BRANCH
(60 minute video)

INTRODUCTION: This is the first in a series of PBS documentaries on the three branches of government. I suggest showing The Executive Branch in its entirety while using only segments of the other. Each video is narrated by Jack Anderson and is primarily a series of interviews with specific government officials. In my opinion, the Executive branch is by far the best of the three tapes. (Note: The judicial branch is not included in this curriculum plan.)

Following are the highlights from The Executive Branch:

* Description of the earlier presidencies from Washington to F.D.R. (Emphasis is place on Roosevelt's administration)
* An interview with Gerald Ford on the human drama of the office (Nice chance to discuss human possibilities and power)
* A discussion of the difference between the Cabinet and president's staff
* A look at the mistakes and abuse of power in the executive branch (Quite a bit of time is devoted to Vietnam and Watergate and the cynicism that grew from those years (It offers an opportunity to discuss the problem of citizen apathy and the responsibility of citizenship.)
* Desribes the issue of separation of powers, and the natural conflict and harmony that exists between the executive branch and Congress
* A look at the election process (ie. primaries, political influence, role of the media, etc.)

CITY GOVERNMENT

The cities make laws and provide services, just as the state and federal governments do. However, they do so only within their own small area. Also, state law limits what cities can make laws about. For example, state law may say that cities can charge a certain income tax rate, may make parking rules, may set safety codes for buildings, and so forth. The cities cannot do more than the state government allows.

City governments are of many different types. One of the most common setups is a city council and a mayor. The city council is like a small legislature.

It has several members who vote on making or changing city laws. They may vote, for example, on whether it should be legal to build a new office building in a neighborhood of family homes; whether it should be legal to park in certain areas; or whether the city should provide money for a public hospital. But whatever they decide affects only their city.

Usually the mayor is elected along with the City Council. Sometimes he or she is appointed by the Council. Sometimes, instead of a mayor, the city council appoints a "city manager." No matter what the city government is like, it usually provides basic services like a fire department, a police department, trash collection, and so forth.

Just like state governments, the cities often take charge of federal programs. For example, housing reconstruction is often a federal program run by the cities.

JOAN SIMON JONES,p.55

Her Honor

(APPENDIX 20 cont.)

(Herrick, Illinois)

Stand back please, make way for the Mayor! With her flashlight in one hand and her .38 revolver in the other, Mayor Maggie Conn of Herrick, Illinois, is on her way to work. The fact that she will be seventy-six on her next birthday doesn't slow her down any, as you will find out if you get in her way. Mayor Maggie is the law in Herrick, also Street Engineer, Health Inspector, Marriage Counselor, Fire Commissioner, and Dogcatcher. Before she became Mayor there wasn't any public water system in Herrick. Now there is, and heaven help you if you don't pay your water bill.

MAYOR MAGGIE CONN [*to the Town Clerk*]: Call them up and tell them that if they don't pay it by tomorrow we'll shut their water off. [*To Kuralt*] See, that usually gets them, that usually scares them, they get out and pay, see. That's about all of that. That's the job of being a water commissioner.

Maggie Conn was born in this town in 1895, but she ran away from home at eighteen and became a soft-eyed singer and dancer on the Orpheum Circuit, sharing bills with the likes of Jimmy Durante and Jack Benny under the stage name of Bobbie Adams. After two marriages went on the rocks, she came back to Herrick to be with her ailing mother, and now, going on seventy-six, she has found her great role at last. It's the same one Gary Cooper played in *High Noon*.

KURALT: I would think that some people would take advantage of a lady mayor.

MAYOR CONN: Not this one they don't. Nobody takes advantage of me. Listen, son, you fight the years of show business all by yourself the way I've had to fight through those ten years on Broadway amongst the gangsters and—ho, I love a good fight.

See this nice long street all that way down there? This is a beautiful drag-race place, and they just used it when I first took over. And so to stop them I used to come and park around that corner down there, and I had my gun and a flashlight, so I'd walk out in front of them and do this (blinking flashlight) and that means you stop whenever my flashlight goes that way. Well, they didn't stop. Then when they got to me I'd say, "Stop or I'll shoot," and if they didn't stop I shot, right through the tail end of their car, see. And if I hit the gas tank it's all right. That's how I stopped the drag racing on this avenue here.

Herrick was founded as a wild little town a hundred years ago, and its reputation hung on until 1965, when Maggie Conn got

elected in a write-in vote, 151 to 2, and set about calming things down. Mayor Maggie hates clutter even more than drag racing. As fast as Herrick's ornery beer drinkers clutter up the streets with beer cans, Herrick's ornery Mayor picks them up.

MAYOR CONN: We've got people here in this town, they don't care about cleanliness, they don't care about keeping anything nice. Those kind of people I just can't understand.

KURALT: Doesn't that discourage a mayor?

MAYOR CONN: Discourage—let me tell you something, son. There's been many a time that I sat here at this table and cried! I'd be so discouraged and so upset at the minds and the tempers of the people in this town that if I could pick this acre up and this house and put it in a suitcase, I'd be gone a long time ago.

KURALT: Well, why do you keep on being Mayor if it's—

MAYOR CONN: They keep electing me! [*To child*] Hi, honey, got a kiss for me?

Exasperated as she gets with her town, Maggie Conn is proud of it, too. She's given up on a lot of the old folks, but she has high hopes for the kids.

MAYOR CONN: Well, what is it? Oh, a turtle!

And she's proud of the progress the town has made—like, for instance, the new—well, almost new, fire trucks.

MAYOR CONN: When I first came here we had one old fire truck. Somebody left it out in the cold and froze and busted it, so that was no good at all. So then we started in to build this firehouse, and the whole town built it—everybody came and everybody worked. We bought both of these firetrucks secondhand, fixed them up and painted them all up, the boys painted them; they put the names on them and all like that, and I'm mighty proud of them, because the whole town helped to do it. Everybody worked to buy these trucks. [*Spying an errant horseman*] See that? He rides on the sidewalk, he doesn't care where he goes, he thinks he's out in a forty-acre field, and—

yeah, see, see, now he's going to go—now, wait a minute, you'd better not come up that sidewalk, brother, I'll be down there after you with a—

Maggie Conn, the pistol-packing Mayor of Herrick, gets paid five dollars a month, and the voters figure they've got a bargain. They keep her in, and she tells them where to get off.

MAYOR CONN: Now, let me tell you something. Don't you let that horse do anything in the middle of the street where I'm going to walk on it, see.

MAN: Okay, I'll tell him not to.

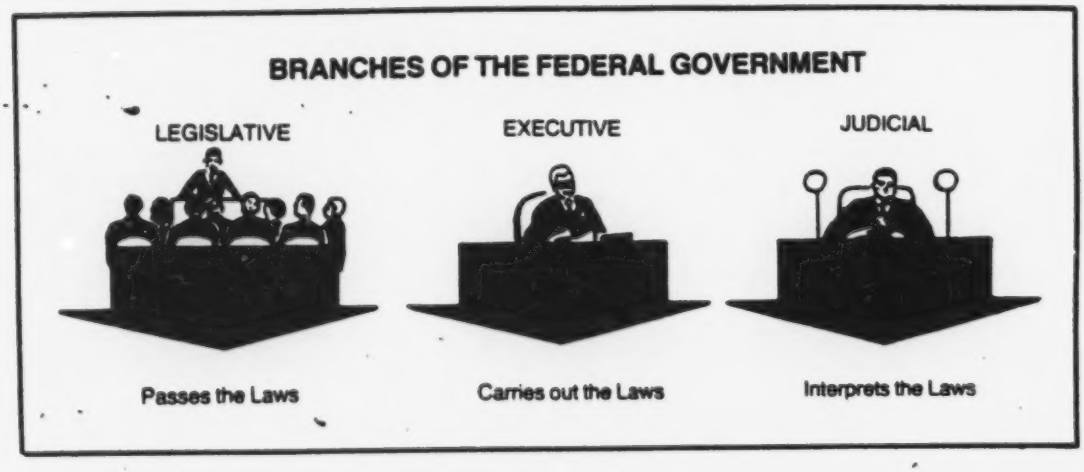
MAYOR CONN: Tell him not to *now!*

CHARLES KURALT, ON THE ROAD WITH CHARLES KURALT (NEW YORK: G.P. PUTNAM'S SONS, 1985) pp. 165-168

CHECKS AND BALANCES : APPENDIX 21

The Constitution provides that the federal government be divided into three parts. These are the executive branch, the legislative branch, and the judicial branch.

The Constitution limits the exercise of federal powers. This is done by dividing them among the three branches. The *separation of powers*, as this is called, does not allow any branch of the government to *delegate*, or give, to any other branch any of its own powers. Any change in the arrangement of powers must be made by an amendment to the Constitution.



(c)

15. Michael Biggers thinks that there should be a new law to control television commercials. Who would be the best person for him to contact about his idea?

____ a. television sponsor
____ b. the President of the United States
____ c. his Congressional representative
____ d. a federal judge

There also is the concept of *checks and balances*. This allows each branch to keep the other two from going beyond the legal limits of their power. The President can *veto*, or forbid, a law. This is true even if it has been passed lawfully by Congress. In turn, the House of Representatives and the Senate can, by a two-thirds vote in both houses, override a Presidential veto. Federal courts have the final authority. They can declare acts of the Congress or the President void if they conflict with the Constitution. This power is called *judicial review*. This power was first used by the Supreme Court in a famous case, *Marbury* v. *Madison*.

The concept of separation of powers does have some disadvantages. Each branch has the power to oppose the others, and, so, joint government action requires that all three branches cooperate. However, conflicts arise between the branches, which prevent action. For this reason government moves slowly. It is sometimes hard for someone to understand exactly what the government is doing or where to attach blame when one is unhappy with government actions.

LEE STOLMACK, SOLVING LIFE PROBLEMS IN GOVERNMENT AND LAW-3, (NEW YORK, MCGRAW HILL, 1980

APPENDIX 22

Mistakes New Presidents Make

Here is what history warns President Bush not to do

BY FRED BARNES

"ONE THORN OF EXPERIENCE is worth a whole wilderness of warning," observed poet James Russell Lowell. George Bush has traversed a whole wilderness of warning from sundry advisers in the wee) since he was elected President.

But as he prepares to take the oath of office on January 20, he can learn much from the thorny experiences of his predecessors. Here is advice culled from the often hard-learned lessons of Presidencies past. It is advice that could determine whether Bush will indeed be the "Chief Executive" or a man overwhelmed by the tidal wave of demands on his time, talent and energy that will hit within hours of his inauguration.

Don't drive without a road map. The best guide is a set of firm convictions about government and society—an ideology. Jimmy Carter lacked this. After his years as a Naval officer, peanut farmer and Georgia governor, Carter was brimming with ideas about how government should operate. But he was unclear about what policies it should pursue. He

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FRED BARNES is White House correspondent for *The New Republic*.

believed "50 things but no one thing," said his speechwriter James Fallows.

As a result, issues emerged willy-nilly at Carter's White House. Month after month, he dispatched proposals to Congress concerning the economy, energy, government reorganization, welfare reform, and other matters. Congress could not cope with so many major pieces of legislation at one time. And virtually all of Carter's initiatives foundered.

Ronald Reagan, on the other hand, came to office with a few, simple principles—low taxes, less government, a strong military. These imposed coherence on his Administration. Learning from Carter's mistake, Reagan lowered his sights, set priorities and concentrated on budget and tax cuts. They won approval.

Don't dawdle. Shortly before Richard Nixon took office in 1969, one of his assistants drafted a memo

arguing that a President's success was wrongly measured "according to the standards established by Roosevelt in his first 100 days." Nixon tried to change this. He waited until August to begin sending his domestic program to Congress. It went nowhere. Dwight Eisenhower took a full year to piece together his legislative proposals. After eight years, he had little to show for his efforts except the interstate highway system. John Kennedy made the same mistake as Ike, but for a different reason. Having won by an eyelash in 1960, he fretted that he didn't have a mandate. He moved cautiously, especially on the great moral issue of the day, civil rights. Kennedy could have achieved far more if he had acted boldly and swiftly.

"You've got to give it all you can that first year," said Lyndon Johnson. "Doesn't matter what kind of

for a press conference take days and keep the President and his aides from other duties. Carter promised that he'd have two press conferences a month. He lived to regret it.

The words of Reagan's spokesman Larry Speakes are a good working principle. "You don't tell us how to stage the news," he told reporters, "and we don't tell you how to cover it." In other words, a President should do what he needs to do and let press coverage take care of itself. If Carter had won a second term, his staff was going to recommend daily meetings with small groups of reporters and fewer full-fledged press conferences. Donald Rumsfeld, White House chief of staff in the Ford Administration, has bolder advice: move the press corps out of the White House, where it has settled itself into a complex of ·bbyholes built over the Presidential swimming pool.

Don't play the TV card too often. A television address to the nation should be saved for the most crucial issues. Gerald Ford learned this the hard way. He insisted that television networks give live coverage to a speech on the WIN ("whip inflation now") program in 1974. They did, and he lost credibility by bothering the public with a marginal proposal. The trouble is, Presidents and their political advisers regard television as a political panacea. When all else fails, put the President on TV. But the more a President is on television, the less impact his appearances will have. "You have limited capital in that account," said Carter adviser Greg Schneiders. "If you draw it down too quickly too often, you devalue it. And when you need it for something that is truly important, you don't have it."

With his skill as an actor, Reagan

couldn't resist the lure of television. He delivered rousing appeals for his budget and tax plans in early 1981, then returned in September with a TV pitch for a fall offensive of new spending cuts. He was ignored. Later, he addressed the nation repeatedly on sending military aid to the anti-communist rebels in Nicaragua, with diminishing returns.

There are alternatives to TV. Ford pioneered the regional news conference at which local, not Washington, reporters ask questions. Carter conducted a two-hour radio call-in program, taking questions from citizens. Reagan began regular Saturday radio addresses. All three are valuable, particularly the brief radio speeches. They take little preparation, but the national press has to cover them. And in this way the President doesn't get overexposed.

Don't be obsessed with leaks. What was perhaps the first leak to the American press disclosed an arms deal with France. That was in 1778, and the leaker was Thomas Paine. Since then, Presidents have tried in vain to plug leaks. Johnson canceled appointments that had leaked to the press. Nixon set up a "plumbers group" in the White House to pursue leakers. Staffers were wiretapped. Carter once convened a meeting of his advisers to issue a stern warning that leakers would be fired. None were.

Reagan said jokingly he had "thought of the guillotine" to stop leaks in his Administration and later ordered lie-detector tests to ferret out offenders. Secretary of State George Shultz vowed he would quit if required to submit to a lie detector. Reagan backed down sheepishly. Attempts to stop leaks "are always painful, possibly illegal,

rarely successful, and inevitably get a bad press," concluded Stephen Hess, Senior Fellow at the Brookings Institution.

Most leaks are political. Some are trial balloons, testing public reaction to potential new policies. Some grow out of fighting among officials. While leaks are annoying, nearly all are harmless.

Don't underestimate the trouble your family and friends can cause you. Nixon installed John Mitchell as Attorney General. As Nixon's chum, Mitchell acted freely in Nixon's behalf. The result: Watergate. Carter had to contend with his brother Billy, who signed on as a lobbyist for the Libyan government. This hampered Carter's reelection bid in 1980. Carter's wife, Rosalynn, won him few friends by attending Cabinet meetings. Reagan's First Lady, Nancy, meddled in personnel and policy matters. Sh

was responsible for the departure of a handful of senior aides, including chief of staff Donald Regan.

Family and friends must be informed of the new facts of life. Perhaps involuntarily, they have surrendered their private lives and become fair game for the press. Putting old friends in high office is always risky because it's hard to fire them when they flub. And in all too many cases, their performance is below par. First Ladies are better off giving their advice solely to their husbands—in private. When they hand out orders to Presidential aides, turmoil starts.

Don't forget that you are the boss. A hardy perennial proposal of new Presidents is "Cabinet government." Carter, for one, proclaimed that he'd give Cabinet members substantial decision-making power. Some took him at his word. When Joseph Califano, Jr., at the

Department of Health, Education and Welfare lobbied against creation of a separate Department of Education, something Carter had promised in his campaign, the President fired him. Cabinet members should be told to run their departments and make small policy changes. Major policy shifts are the job of the President.

Lyndon Johnson was clear about who was in charge. "Just you remember this," he told a staffer. "There's only two kinds at the White House. There's elephants and there's ants. And I'm the only elephant."

Though forceful on broad policy questions, Reagan was overly indulgent of his staff. His lax managerial style allowed National Security Council aides to run amok, selling arms to Iran and funneling some of the proceeds to the Contras. The advice of Donald Rumsfeld to Pre

idential aides is short and sweet: "Don't play President—you're not." Only one person, the President, can make sure that aides remember this.

THERE IS NO FORMULA to guarantee a successful Presidency. The Oval Office is a laboratory for the unpredictable chemistry of character and circumstance. The results have sometimes been inspiring, sometimes disastrous. George Bush enters that laboratory with the opportunity to review and profit from the experiments—whether fortunate or failed—of his predecessors.

FRED BARNES, "MISTAKES NEW PRESIDENTS MAKE READER'S DIGEST, JANUARY, 1989

APPENDIX 23:

Legislative Branch

The legislative branch of the federal government, the Congress, is responsible for writing the basic laws of the country. The U.S. Constitution created a strong legislative branch.

The Congress is a bicameral legislature, meaning that there are two houses of Congress: the House of Representatives with 435 members and the Senate with 100 members. A representative in the House is elected for two years, must be at least twenty-five years of age, and also must have been a U.S. citizen for seven years. A senator is elected for six years, must be at least thirty years old, and must have been a U.S. citizen for nine years.

Powers

Congress has been granted a long list of specific powers by the Constitution. Perhaps the most important powers are those to levy taxes and appropriate government funds. While the president has the responsibility to submit a budget proposal, Congress has the authority to write and submit the actual budget to the president. All revenue bills must originate in the House, although the Senate must also consider them. In this way, Congress actually controls the purse strings of government.

Among other congressional powers is the power to override a presidential veto with a two-thirds vote of both houses. Congress also has a major role in the process of amending the Constitution. Congress has several judicial powers, including impeachment, and it also organizes the federal court system.

Some of the powers of Congress operate as a check upon the executive branch. Congress creates and defines the functions of the departments and agencies in the executive branch. Congress also controls the appropriations for those departments and has the power of investigation over numerous areas inside and outside of the government, including the executive branch. A congressional committee, like the court system, has the power to subpoena witnesses and can cite uncooperative witnesses with contempt of court. When Congress actually assumes a "watchdog" role over the executive branch, it can exert a great deal of influence.

Organization

The Speaker of the House presides over the meetings of the House of Representatives and is generally responsible for organizing its activities. The Speaker is a member of the majority party. The Senate is presided over by the vice president, who has little real power to direct the Senate and can cast only tie-breaking votes. The majority party elects a Senate Majority Leader, who is the main director of legislative activity in the Senate.

Both houses of Congress are organized into committees to carry out the task of researching, holding hearings, and writing legislation. All legislation must go through a committee before it can be considered for a vote.

APPENDIX 24: VIDEO OUTLINE

GOVERNMENT AS IT IS: THE LEGISLATIVE BRANCH
(60 minute video)

INTRODUCTION: In my opinion, this video isn't as engaging as the EXECUTIVE BRANCH, but it does have merit. If you have students who really show an interest in government, you might want to show the entire tape. I didn't. I showed the first ten minutes; skipped quite a bit; showed a few examples of a legislative session; briefly looked at the role of lobbyists; and went on to the last ten minutes which, I felt, were very informative.

Here is a list of the highlights from The Legislative Branch:

* Early Congress: how it was designed to function vs how it actually did function
* Corruption (Senate as millionaires' club)
* Interest groups and their influence
* WWI brings changes
* How a bill becomes a law
* Committee formation
* The power of the lobbyist and special interest groups
* Pressures of the job: Can today's legislators really do the job?
* Role of Congressional aides
* Allegations and admissions of deceipt

APPENDIX 28:

The Judiciary

The judiciary is the branch of the federal government that is responsible for interpreting laws. The primary responsibility of the federal court system is to hear cases involving federal law.

At the head of the federal courts is the Supreme Court in Washington, D.C., which consists of a chief justice and eight associate justices. These justices are appointed by the president with the approval of the Senate. They serve for life and can be impeached only for misconduct. The major function of the Supreme Court is to hear appeals of lower federal court decisions and from state courts when the questions may involve points of law or constitutionality. The Constitution gives the Supreme Court original jurisdiction (right to hear a case first) only in "all cases affecting ambassadors, other public ministers, and those in which a State shall be a party."

* As in the video: Separate But Equal

Below the Supreme Court are the federal circuit courts of appeals that hear appeals and review decisions of the federal district court and federal administrative bodies. At the lowest level are the federal district trial courts. All federal judges are appointed by the president.

Probably the single most important and controversial power of the Supreme Court is its power of **judicial review**—the power to rule on the constitutionality of laws passed by the legislative branch or on actions taken by the executive branch. The Constitution did not clearly give the Supreme Court this right, and it took several court decisions to clarify this power. The court determined that the framers of the Constitution believed that the courts had a right to decide on the constitutionality of laws, and Alexander Hamilton argued forcefully for this right in *The Federalist Papers*. Who would interpret the nation's fundamental law—the Constitution? The legislators? No! The executive? No! The judges? Yes! The power of judicial review was first used by the Supreme Court in 1803 in the *Marbury* v. *Madison* case when the court refused to enforce a law that it believed was unconstitutional.

*

The power of the Supreme Court to rule on the constitutionality of certain laws and practices has become an important part of our system of government. It has also enabled the judiciary to have the power to become an equal partner in the three-way separation of powers in the federal government. American law has evolved and changed over the years as a result of various Supreme Court interpretations of the law and the Constitution. The Supreme Court under Chief Justice Earl Warren (1953–69) was extremely active in expanding the powers of judicial review. However, in recent years, the Supreme Court has been gradually reversing that trend.

*

GARY WALTER, p. 155

(appendix 28:cont.)

GED POLITICAL SCIENCE EXERCISES

Directions: Choose the one best answer to each question.
(Answers begin on page 47.)

Questions 1-3 refer to the following passage.

Judicial review is a major aspect of the system of government in the United States. Judicial review refers to the power that courts have to examine the laws made by legislatures and to decide if the laws are acceptable to the principles of the Constitution.

The power of judicial review was not specifically given to the courts by the makers of the Constitution. Instead, judicial review has evolved through a series of decisive court actions. The judges involved in these court actions reasoned that the power to examine laws made by the legislative branch of government properly belonged to the judicial branch.

Judicial review indirectly gives great power to the citizen. It allows anyone to challenge, through a lawsuit, any law. As a result of the lawsuit, a law might be declared unconstitutional. Many important issues have been decided through this process.

2) 1. According to the passage, the power of judicial review came into being through

(1) an act of Congress
(2) court actions
(3) the Constitution
(4) the Bill of Rights
(5) a constitutional amendment

4) 2. Which of the following best states the central idea of the passage?

(1) Judicial review gives the citizen more power than Congress or the President.
(2) Judicial review has greatly changed the design of the American government.
(3) Judicial review is not important to the civil rights of Americans.
(4) Judicial review helps to guarantee that laws in the United States will be constitutional.
(5) Judicial review has made the courts the most powerful governmental institution in the United States.

3. It can be inferred from the passage that without the process of judicial review (3)

(1) it would be more difficult to get a fair trial
(2) a person could not appeal a case all the way to the Supreme Court
(3) some laws of Congress might be allowed to exist in violation of the Constitution
(4) there would be no type of action that citizens might take against unfair laws
(5) state courts would become more important than federal courts

4. In the United States government structure, the principle of checks and balances would be violated if (4)

(1) the President vetoed a law of Congress
(2) the Supreme Court declared a law unconstitutional
(3) Congress refused to give funds to an agency of the executive branch
(4) members of Congress were appointed to the Supreme Court
(5) the majority of the members of Congress belonged to the same party as the President

5. According to Supreme Court decisions, which of the following must be done by police officers as soon as a person is arrested? (4)

(1) The police must inform the arrested person as to the amount of bail required to leave jail.
(2) The police must inform the judge about the arrest so that a trial date can be set.
(3) The arrested person must be provided with a lawyer.
(4) The police must inform the arrested person of his right to remain silent.
(5) The arrested person must be provided with a complete list of charges against him.

APPENDIX 29 :

SOCIETY

JUSTICE

These Clients Aren't Fools

Representing themselves, three prisoners have taken their cases to the U.S. Supreme Court

Colorado state inmate No. 48201 is not your typical killer.

On the high prairie east of Pueblo, along the tracks of the Union Pacific, Richard S. Demarest does his prison time differently from most of the other 985 burglars, embezzlers and assorted felons. They mop, they cook, they exercise. Demarest, by contrast, spends 12 hours a day in the law library—as clerk, computer jockey and self-made Darrow. Though he has yet to overturn his conviction for murdering a roommate—he's still working on that—Demarest has put the time to impressive use: 18 months ago he wrote his own petition to the U.S. Supreme Court, challenging an ancient federal policy against paying prisoners who testify in court the same fee received by all other witnesses. This term, the justices agreed to hear the appeal.

That by itself was an achievement for Demarest. Of the roughly 5,000 petitions filed every year with the high court, only 130 or so are accepted to fill the seven-month calendar. While most of these petitions are written by hired lawyers, several hundred are prepared directly by the aggrieved parties—usually prisoners—who obviously have the most to gain from a successful appeal. These are called *pro se* cases, literally, "for himself." Only if the justices grant review does a real attorney get involved. The court appoints someone to write a full brief and argue the case in person. But very few are accepted. In each of the four terms before 1990-1991, for example, just one pro se case made the cut. Most of the others, says a former court clerk, "just spout gibberish."

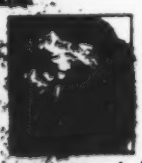
This term, in an unexplained and unexpected development, the justices agreed to hear five pro se appeals, all from inmates. One was subsequently dismissed on technical grounds; another, NEWSWEEK discovered, wasn't really written by the prisoner. The other three, though, represent notable curiosities in an era where litigation has become a team sport. Whatever their crimes, Richard Demarest, along with Dawud Mu'min of Virginia and John J. McCarthy of Kansas, are lone warriors. Their stories show the tenacity of three men who have made good on the ultimate legal pledge: by Jove, we'll take this case all the way to the Supreme Court.

The pro se tradition is rooted in the most fundamental of American constitutional birthrights—the right to be heard. It extends even to the freedom of jailhouse lawyers to represent other inmates (box). The tradition was mythologized in "Gideon's Trumpet," the 1964 classic by Anthony Lewis about an obscure felon who handwrote a plea to the Supreme Court. Clarence Gideon had been convicted of larceny, without a lawyer because he couldn't afford one. His legal beef: the Sixth Amendment ought to guarantee counsel. The justices took the case and went on to issue a landmark ruling.

Dawud Mu'min, on death row in southern Virginia, is determined to be another Gideon. Mu'min, 38, was first sent to prison in 1973 for murder. On Sept. 22, 1988, while on a work detail, Mu'min slipped away to a local carpet store, where he attacked the owner, stabbing her 17 times with a screwdriver he kept in his shirt pocket. The trial received lots of attention in the local press. Concerned about the adverse effects of pretrial publicity, Mu'min's trial lawyer sought to examine prospective jurors in detail about what they had heard of the case. The judge limited him to vague and general questions. Only one member of the jury pool was dismissed. Mu'min was convicted of capital murder and the Virginia Supreme Court upheld the verdict. "I

The Law in Their Own Hands

Jailhouse lawyers start out pleading their own cases. Some go on to build practices behind the walls.



Jerry Heidelberg: Serving a life sentence for participating in the 1982 killing of two policemen, the eighth-grade dropout has earned two law degrees and helped numerous New York convicts in their legal battles.

Boyle Williams: In 10 years on Missouri's death row, he has won five trials involving prisoners' rights, despite having to argue before juries while wearing leg irons. A day before his scheduled execution last month, Williams won a stay.

AP, YVETTE CARDOZO, AP, BILL STOVER—PAGE ONE

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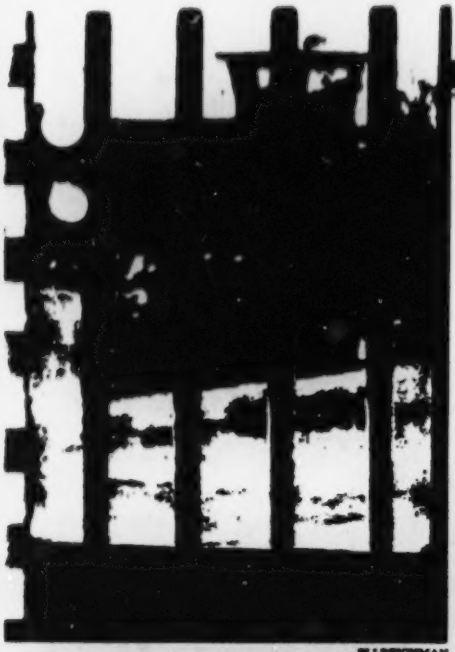

ELI REICHMAN

JOHN MORGAN

JOHN FICARA—NEWSWEEK

Giving life to the most fundamental of constitutional birthrights: *(Clockwise, from above) Dawud Mu'min in chains, Richard Demarest in the law library and John McCarthy behind bars*

started thinking about an appeal the moment the jury came back," Mu'min says, sitting in the visitors' lounge at the Mecklenburg Correctional Center.

Thanks to a local judge who attended the trial out of personal interest and passed along advice, Mu'min focused on the questions to the prospective jurors. He and his mother tried to find counsel, even calling a relative who had worked for F. Lee Bailey. They had no luck. Mu'min, who earned a correspondence college degree in prison, started doing the research himself, spending 10 hours a week in the prison law library, the maximum permitted. In addition he got help from a lawyer paid by the state to assist inmates. Mu'min had never read a court decision. "Law is very confusing," he says. "If you write in ordinary language, you're not going to get anywhere." While Mu'min maintains his innocence, his petition was based on procedural errors. "How can you find out what sort of preconceived ideas a juror might have if you can't even ask the questions?" he says. The court is expected to rule by July. "If they deny it, I'll be back in the law library," he vows in a voice mixed with fire and resignation and fear. "My life is at stake."

John McCarthy, 36, has now taken up residence in the Leavenworth federal penitentiary in Kansas. He is serving a 10- to 20-year sentence for stealing $42,000 worth of silverware from a Connecticut home. In fact, McCarthy is technically a prisoner of that state who was transferred for disciplinary reasons. A run-in with Connecticut guards is the basis for his day in the Supreme Court. Claiming they used excessive force in moving him from one cell to another, McCarthy filed a civil-rights suit seeking damages. The case was referred to a magistrate who dismissed his claim. On appeal, McCarthy argues that he was entitled to a trial before a regular judge.

Hitting the stacks was McCarthy's only chance at vindication. "I could have waited 10 years before getting counsel," he says. "So I started reading things like 'Criminal Law in a Nutshell.' I can research anything." It would appear so. McCarthy, who has an eighth-grade education, speaks the lingo of the law and understands its byways. "The trouble with a lot of lawyers," he observes, "is that they know they have no case and they file anyway." About his own challenge, McCarthy is an optimist and a cynic. "I believe in the principles of Rocky Marciano—you never quit," he says. "But I don't think the courts follow justice. The government wins and the rules are drawn that way."

Quickie divorces: Unlike Mu'min or McCarthy, the 43-year-old Demarest has an interest in the law beyond its potential to free him. Indeed, even though Demarest in January won a unanimous decision from the Supreme Court, it had nothing to do with his underlying conviction, for which he isn't eligible for parole until 2001; all he stands to receive is $300. "It's the principle," Demarest says. "I was called to testify about another inmate. The statute said I was entitled to $30 a day."

A high-school graduate with two years of college, he is now an encyclopedia of legal decisions and can recite last month's developments as readily as others describe yesterday's box scores. He has become a legend in the Colorado penal system. In the last 30 months alone, he has handled 70 name changes and 300 divorces for inmates. "My quickie divorces take six minutes," he says. He's created Apple databases for tax returns, estate filings and even a digest of Supreme Court precedents. If he can raise $9,000, he plans to enroll in a correspondence law school. Officials have consulted Demarest before designing law libraries. "Working in the library has been a godsend," he says. "It's a job I'll never master."

His brief to the Supreme Court on the arcane subject of witness fees was so good that the firm appointed to present it to the high court (Washington's Arnold & Porter, whose founding partner, Abe Fortas, represented Gideon) hardly needed to do more work. At the oral argument, Justice Byron White admiringly asked counsel, "Did Mr. Demarest think up this claim by himself?"

Congress may get the last laugh in the case. Already legislation has been introduced to undo the Supreme Court decision. That doesn't faze Demarest. "I won," he beams. "When I called my parents to tell them, they were so proud. I changed American law." That sure beats breaking it.

DAVID A. KAPLAN *and* BOB COHN

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There Goes the Judge

Why Bush's appeals-court nominee was rejected

JOHN DI BICKA—AP

Racially insensitive remarks: *Ryskamp*

With his record of racially insensitive remarks, it wasn't surprising that Kenneth L. Ryskamp was rejected by the Senate Judiciary Committee last week as an appeals-court judge. He once told four blacks who filed suit after being mauled by police dogs that "it might not be inappropriate to carry around a few scars to remind you of your wrongdoing"—even though two of the four were never charged with a crime. He complained from the bench that people were "thin-skinned" if they took offense at calling a black area "colored town." Until last month he was a member of a country club that reputedly excluded blacks and Jews. But in Washington, Ryskamp's undoing was less his record than his failure to observe the cardinal rules of surviving confirmation: he was arrogant with lawmakers when he should have groveled, and he failed to listen to advisers who knew how to play the game.

George Bush nominated Ryskamp last year to the influential appeals court covering Florida, Georgia and Alabama. A Miami lawyer chosen by Ronald Reagan to be a federal judge in 1985, Ryskamp would [illegible] tipped the balance in the appeals court in favor of conservatives. All he had to do was clear the same Senate committee that had unanimously approved him five years earlier. Nominations to the federal courts generally are approved by the Senate with little debate. Bush has had 76 confirmation victories in a row, and the Senate Judiciary Committee hasn't rejected a court nominee since 1988.

But liberal-interest groups have been looking for a chance to display their strength. That should have put Ryskamp on notice. Instead, he privately complained to an aide to Democratic Sen. Paul Simon that "Miami is like a foreign country" where the store clerks speak Spanish and stock only ethnic food. Cubans, he said, "always show up two hours late" to weddings. In public Ryskamp was no better. Rather than apologize, he tried in his testimony to put his racial comments "in context." In the dog-bite case, he mused on the "irony" that criminals could recover damages if they were mistreated by police. Chairman Joseph R. Biden Jr., initially a yea vote, became a nay. He said he was floored by Ryskamp's "dumbfounding remarks" to his "softball questioning."

Fatal RBI: Smelling a chance to embarrass the administration, the liberal groups moved in. Their most important convert was Florida Sen. Bob Graham, a moderate Democrat. Opposition from a home-state senator is rare—and in this case it was "fatal, the game-winning RBI," conceded one administration official. Graham's position gave political cover to moderate Democrats like Dennis DeConcini of Arizona and Alabama's Howell Heflin.

Republican Sen. Alan Simpson of Wyoming called the campaign against Ryskamp a "hatchet job, an execution by people who do not know the man." More damaging was the administration's failure to twist arms on behalf of Ryskamp, whose nomination had become more trouble than it was worth. No Bush official ever called Patrick Leahy, a swing vote from Vermont. Attorney General Richard Thornburgh placed a perfunctory call to Biden just minutes before the vote.

As a practical matter, the Bush administration could afford to lose this skirmish, since it's winning the real contest: control of the federal bench. Bush has 144 more judicial vacancies to go. When these slots are filled, 70 percent of the federal judiciary will be Reagan and Bush appointees—and like Ryskamp, most of them are white, male, wealthy and conservative.

BOB COHN in Washington

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Amendments to the Constitution

The issue of the protection of the individual citizen's rights dominated the first session of the new Congress in 1789. During the drive for ratification, the Federalists had been forced by popular pressure to promise their support for a Bill of Rights in the form of amendments to the Constitution. Congress submitted the first ten constitutional amendments to the states for ratification, and they were approved by 1791.

These first ten amendments, which became known as the **Bill of Rights**, form the basis of individual rights and liberties in American society. These amendments guarantee freedom of speech and the press, the right to assemble and petition the government for redress of grievances, the right to keep and bear arms, protection against unreasonable search and seizure, the right to trial by jury, the right to due process and protection against self-incrimination, the right to a public trial, the right to have an attorney, protection against excessive bail or unusual punishment, and separation of church and state.

Since the Bill of Rights, sixteen more amendments have been added to the Constitution. The procedure for changing the Constitution was made difficult to ensure that it would not be easily tampered with or abused. Amendments must be proposed by a two-thirds majority vote of both houses of Congress. Otherwise, two-thirds of the state legislatures can ask Congress to call a convention for proposing amendments. Any amendment must be approved by either the legislatures or special conventions in three-fourths of the states. Many proposed amendments have never been ratified because of this difficult procedure. For instance, the Equal Rights Amendment was defeated in 1982 because it fell several states short of the required thirty-eight states needed for ratification.

All amendments that have been adopted have originated in Congress and have been ratified by the state legislatures. Among the more important are the thirteenth (1865), abolishing slavery; the fourteenth (1868), granting citizenship to the former slaves; the fifteenth (1870), guaranteeing all citizens the right to vote; the sixteenth (1913), establishing the federal income tax; the nineteenth (1920), giving women the right to vote; and the twenty-sixth (1971), lowering the voting age to eighteen.

The actual Constitution, even with amendments, is a short document, probably shorter than the bylaws of many organizations. It has vague guidelines concerning the powers and functions of the different levels of government. However, its flexibility has allowed it to survive as a symbol of national unity, while the concrete meanings of its various paragraphs have constantly evolved as the country has grown and changed.

APPENDIX 32: THE BILL OF RIGHTS

The Bill of Rights is the first ten amendments to the Constitution. They were written in 1791, so they sound very old-fashioned and complex. On the next few pages you will find the parts of the Bill of Rights that can affect you more in everyday life.

A. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This means:

Congress cannot connect itself in any way with religion or church. It has to stay separate. This is called separation of church and state. Also, it can't stop you from being of whatever religion you want to be (freedom of religion). And it can't stop you from saying what you want to say (freedom of speech), printing what you want to (freedom of the press), or getting together with other people to protest something you think the government is not doing right (freedom of assembly).

B. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized."

This means:

You are protected against a search of your house or property. You are also protected against anyone taking any of your property unless that person has a warrant and can show "probable cause." "Probable cause" means someone has good reasons to think you are hiding something illegal. All of this means you are protected against unlawful (without a warrant) *searches and seizures.*

C. "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger;...nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law...."

This means:

You must be formally *accused* of a crime before you can be brought to jail or to trial. You cannot be forced to admit something that could make you guilty of a crime. And you cannot have your life, your freedom, or your property taken away from you unless all the proper

and legal things have been done in court or elsewhere (due process of law).

D. "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State....In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved...."
This means:

You have the right to a trial in court with a *jury* which decides your guilt or innocence.

E. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."
This means:

The *bail* (money you pay to be let out of jail before your trial) you pay or the *punishment* you get must fit the crime you committed. But this right doesn't mean that the government must execute you if you kill someone, for example. Sometimes fitting punishment is decided in court. Often, execution is considered too cruel a punishment, even if you committed murder.

Another right you have is called *habeas corpus*. The words are Latin. They mean, "you may have the body." This really means that you (the "body") have the right to get a court to tell you why you are being held in prison or to release you from prison. It also means that you can make the court correct any mistakes it makes in your "due process of law" rights. (Your "due process" rights are described in **C** above.) To correct mistakes and to get the court to tell you what you are being accused of, you must file a *writ of habeas corpus* in court. Your lawyer or public defender does this for you if it is necessary.

The *writ* states that you think a mistake in court procedure has been made and that you will appear in court to testify that a mistake was made. This means that the *legality* of your charges or your imprisonment is tested.

You also have *employment and credit rights*. These rights are protected by many laws passed in the 1970s. These laws protect your rights when you want to be hired or promoted and when you are retiring or being fired. They also protect your rights when you are trying to establish credit or pay your debts.

You have *rights as a result of Supreme Court decisions*, too. These decisions guarantee your right to attend desegregated schools, your right to a lawyer even if you can't afford one, and many others.

Look over the list that follows. It is a list of the rights you just read about, but in a shorter form. Think about what these rights could mean to you in everyday life when you are involved in many different kinds of situations.

1. Separation of church and state; *freedom of religion, speech, press, and assembly.*
2. Protection against unlawful *searches and seizures.*
3. Right to *due process* of law.
4. Right to a *trial by jury.*
5. Right to protection from *cruel or unusual punishment.*
6. *Habeas corpus,* or the right not to be illegally held or imprisoned.
7. *Employment and credit* rights.
8. Your rights from *Supreme Court decisions.*

The following stories are about people like you who get into various situations where their basic rights as citizens could be violated or abused. Read these stories and answer correctly the questions that follow them.

Madeline DeJuneau went to school one morning and found that her substitute teacher was making all his students face the East and bow down before they started work. This is a Moslem custom, which the

teacher was used to following. Madeline refused to bow to the East. The teacher asked Madeline to leave the classroom for the rest of the day. Madeline complained to the principal, who made the teacher let Madeline back into class.

1. Madeline had a right to complain, and the principal was right to make the teacher let Madeline back into class because
   - ____ a. the Constitution states that there should be separation of church and state
   - ____ b. the principal didn't like Moslems
   - ____ c. Moslems aren't allowed to teach at Madeline's school
   - ____ d. Madeline was the principal's daughter

Mark Ambrosino liked to play practical jokes on other people. One day he went to a movie theater. The movie was very popular, so the theater was completely filled. Halfway through the movie Mark yelled, "Fire, fire!!" Of course, there was no fire. But people hurried to leave the building. They panicked, and four people were badly hurt. One of the four died on the way to the hospital. Mark was arrested. He was then kept in prison without being charged with a crime.

(a)

2. Mark was arrested because
   - ____ a. Mark abused his right to freedom of speech
   - ____ b. Mark set fire to the theater
   - ____ c. Mark was Italian
   - ____ d. Mark wanted the theater to go out of business

(d)

3. When Mark was kept in prison without being charged, which of the following of Mark's rights was violated?
   - ____ a. protection from cruel or unusual punishment
   - ____ b. employment and credit rights
   - ____ c. protection against illegal searches and seizures
   - ____ d. right to due process

(c)

4. Susan Lee was having a party to celebrate her graduation from high school. During the party two police officers came to the Lee home and told Susan they wanted to search the house. Susan let them in, and they found a bag of marijuana Susan's friend Mike had brought. At Susan's trial on charges of possession of marijuana the judge declared a mistrial because
   - ____ a. the police officers didn't knock
   - ____ b. possessing marijuana is legal
   - ____ c. the police officers didn't have a warrant
   - ____ d. Susan was the judge's niece

JOAN S. JOANS, pp. 94-97

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In spite of the fact that the First Amendment is written in absolute terms, the Supreme Court has recognized that not all forms of free expression are protected by the Constitution. Communities have a *compelling interest* in maintaining peace, order, and tranquility. To preserve this peace, certain restrictions and reservations on the right of free expression are allowed. Whenever any of the rights guaranteed by the Constitution are restricted by government action, the restriction must satisfy constitutional standards. The government must show that the compelling interest is important to keep peace and order in the community.

(c)

9. The First Amendment guarantees American citizens a number of basic rights. These rights are fundamental in a democracy. In general, what does the First Amendment guarantee to American citizens?

____ a. the right to buy newspapers
____ b. the right to build churches anywhere they want
____ c. the right to express themselves freely
____ d. the right to vote

(a)

10. The Supreme Court has held that certain individual freedoms are subject to restriction in the interest of preserving the community. Under what condition may the government restrict the right of free expression?

____ a. the restriction must satisfy constitutional standards
____ b. the restriction must satisfy presidential standards
____ c. the restriction must satisfy religious standards
____ d. the restriction must satisfy congressional standards

FREEDOM OF SPEECH

The First Amendment guarantees people the freedom to express any ideas that they may have. But not all speech is considered to be "free speech."

People do not have the freedom to interfere with the orderly administration of justice. Disruption of court proceedings by use of abusive language is punishable, for example.

People do not have absolute freedom to use profane, abusive, or lewd language in public. People do not have the absolute right to publish obscene materials. Performance, sale, and publication of obscene materials is restricted in many places.

People do not have the freedom to commit *fraud*, which means to knowingly tell a lie to secure unfair or unlawful gain. A person may not tell lies about a person that cause that person a financial loss or a loss of reputation. To tell a lie, knowing that the lie constitutes fraud or *defamation*, is not protected by freedom of speech.

Not only is speech itself subject to restriction, but the time, place, and manner in which the words are spoken can be regulated. The interest of the community to keep peace and order allows the community to require permits or licenses before holding rallies, parades, or assemblies. The permit or license tells the time, place, and manner — in other words, the conditions — under which the event may take place. *Time, place, and manner laws* allow the protection of both the right of free speech and the need for public order.

(b)

11. Generally, words that present a *clear and present danger* of causing violence, harm, rebellion, or any unlawful act are not protected by the freedom of speech. When applying the "clear and present danger" test, courts examine the interests of the government in preserving itself and the public safety and welfare. The greater the possible harm to these interests, the greater the restrictions may be. Which of the following situations would not be protected by freedom of speech?

____ a. the delivery of a speech on an unpopular subject
____ b. falsely yelling "Fire!" in a crowded theatre
____ c. writing a letter to a newspaper suggesting that the current administration be voted out of office
____ d. calling the President of the United States an idiot

(c)

12. Time, place, and manner laws may require a person to obtain a permit or license before holding a rally, parade, or assembly. Why does a community have the right to restrict free speech through time, place, and manner laws?

____ a. the community has the right to restrict free speech that might produce opinions with which the community does not agree
____ b. the community has the right to restrict free speech to those people whom it considers "responsible" people
____ c. the community has the right to restrict free speech in order to maintain public order
____ d. the community has the right to restrict free speech in order to keep out troublemakers

(b)

13. Andrew Ross does not like a high school teacher who once failed him. Mr. Ross tells the local school board that the teacher is corrupting the minds of students and is a weird, sick person, though he knows that this is not so. The speech seriously damages the teacher's reputation. Why is Mr. Ross's speech not considered "free speech" and protected by law?

____ a. his speech is obscene
____ b. his speech is defamatory
____ c. his speech is profane
____ d. his speech is silly

(d)

14. Which of the following is clearly an example of free speech?

____ a. delivery of a speech that causes people to riot
____ b. delivery of a speech that causes people to engage in illegal civil disobedience
____ c. leading a peaceful demonstration without a permit in a community that requires permits for assembly
____ d. delivery of a speech proposing a change in the laws concerning capital punishment

FREEDOM OF RELIGION

The United States government can "make no law respecting an establishment of religion." This is called the *Establishment Clause*. It means that the government cannot start a national religion and make all citizens join it. This clause also means that the government cannot pass laws that favor one religion over another.

The federal government cannot "prohibit the free exercise" of religion. This is called the *Free Exercise Clause*. It means that the government cannot keep anyone from practicing any religion or no religion at all.

Court decisions on the Establishment Clause have caused some confusion. The Supreme Court allowed government-supported busing for children going to parochial schools, not to favor one religion, but to help children get to school safely. The Court also allowed government aid to parochial schools for lunches and nonreligious texts because the aid was to further the education and welfare of the children, not to promote one religion over another. But the Supreme Court disallowed prayer in public schools because it interpreted the Establishment Clause to mean that it was not proper for the government to tell the people how and when to pray.

The Free Exercise Clause has also caused difficulties in interpretation. For many years the Supreme Court held that this clause meant free exercise of religious belief, but that acts done in the practice of religion had to meet the law. Recently, the Court has held that any law that restricts the practice of religion must show a "compelling interest" in preserving the order and peace of the community. For example, state and federal governments have been able to show that the community has a compelling interest in restricting the use of drugs. Therefore, in almost every case, the government can prevent the use of drugs in the practice of religion.

(b)

15. Martin Barth belongs to a religion that handles poisonous snakes as part of its religious practice, but the state in which he lives has a law against collecting and keeping poisonous snakes. Mr. Barth is arrested for breaking this law. He challenges this law, claiming that it prevents him from freely exercising his religion. His case goes to the Supreme Court. What issue will the Court consider in this case?

_____ **a.** Is handling snakes really part of Mr. Barth's religious practice?
_____ **b.** Does the state have a compelling interest in restricting the collecting and keeping of poisonous snakes?
_____ **c.** Did Martin Barth in fact collect and keep poisonous snakes?
_____ **d.** Should the Free Exercise Clause of the First Amendment be changed?

(b)

16. The Supreme Court held that the government may provide aid to parochial schools for lunches and nonreligious texts. It has also held that government aid to parochial schools for teacher's salaries violates the Establishment Clause of the First Amendment. Why is the federal government forbidden to provide aid for teacher's salaries in parochial schools?

_____ **a.** the federal government may not establish a national religion
_____ **b.** the federal government may not favor one religion over another
_____ **c.** the federal government cannot afford to give aid for teacher's salaries
_____ **d.** the federal government cannot prevent anyone from practicing a particular religion

(c)

17. Why did the Supreme Court disallow prayer in the public schools?

_____ **a.** because it did not further the education of children
_____ **b.** because it promoted one religion over another
_____ **c.** because the government should not tell people when to pray
_____ **d.** because the prayers took up too much time

THE RIGHT TO DUE PROCESS OF LAW

Everyone in America has the right to be protected from the arbitrary actions of the government. America is governed by the rule of law, guaranteeing that people will be treated according to the law. Several amendments to the Constitution describe the basic relationship between the people and their government in this area.

Searches and Seizures

The Fourth Amendment says the government cannot conduct "unreasonable searches and seizures of persons or property." Evidence that has been obtained from an illegal search or seizure cannot be used against the person whose rights have been violated by these acts. This *exclusionary rule* applies in both federal and state courts.

Since this rule applies only to illegally obtained evidence, the line between reasonable searches and unreasonable ones is very important. The Fourth Amendment requires that the police obtain a *search warrant* before they can search a person, home, automobile, or other areas under a person's control. To obtain a search warrant, the police must show a judge the reason for a search, what they hope to find, and exactly describe the location to be searched. If the judge thinks that their request is valid, a warrant will be issued.

There are exceptions to the rule requiring a warrant. The most common exception is the search of a person and those things in a person's immediate vicinity if an offense has already been committed. This type of search does not require a warrant. When the Supreme Court decided to allow this type of search, it did so to protect police by allowing them to search for weapons. This type of search also may be made to find the fruits of a crime or to prevent the destruction of evidence.

In addition to these exceptions, the Supreme Court has interpreted the Fourth Amendment to apply only to searches. This means that anything the police see in plain view may be seized as evidence because it does not involve a "search."

(c)

18. When speaking of the Fourth Amendment, what is the *exclusionary rule*?
   - ____ a. a rule that requires police to have your permission to search for evidence of a crime
   - ____ b. a rule that forbids the police to search your property without allowing you to contact an attorney
   - ____ c. a rule that forbids the use of evidence that was obtained from an illegal search or seizure
   - ____ d. an unreasonable search or seizure of property

(d)

19. Eighteen-year-old Sam Yarnell fails to stop at a stop sign and is pulled over by a police officer, who thinks he detects the aroma of marijuana in the car. He asks Mr. Yarnell to step out of the car so that he can search. When Mr. Yarnell asks to see a search warrant, the officer tells him that one is not needed. Why doesn't the officer need a search warrant in this case?
   - ____ a. because Mr. Yarnell is only eighteen years old
   - ____ b. because the police do not need a warrant to search the premises when they suspect drug usage

LEE STOLKMAN, pp. 127-130

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